S. Hrg. 98-196

PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 457

A BILL TO REQUIRE THE PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS

ROCK SPRINGS, WYO., MARCH 19, 1983
WASHINGTON, D.C., APRIL 11, 1983

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE
22-263 O WASHINGTON : 1983

S311-51

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PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

SATURDAY, MARCH 19, 1983

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Rock Springs, Wyo.

The subcommittee met, pursuant to notice, at 10:45 a.m., in the Rock Springs City Hall, Rock Springs, Wyo., Hon. Malcolm Wallop, presiding.

Present: Senator Wallop, and Congressman Cheney.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Good morning. We'll call the hearing to order. Begin by delivering my apologies to you, but I was on time for a charter out of Denver this morning leaving at 6:15, but the problem was I had my pilot's name was Tex, and Tex didn't want to fly in Wyoming-Colorado weather that was there, and it just was not that bad, and I appreciate somebody being concernd about his cargo, but it did make us late, and then Frontier was late too, but that's not surprising to some of you, I expect.

Anyway, we're gathered here this morning to look into the problems of wild horses and hear comments on S. 457.

In 1971, there were approximately 17,000 wild horses and burros roaming at large on western rangelands and the numbers were decreasing.

Congress responded at that time to a nationwide effort to show concern and sensitivity toward a vestige of our western culture and toward the goal of assuring humane care and treatment for animals.

They passed strong legislation that offered sanctuary, and in a few years the horse population exploded to over 70,000. Rangeland damage accelerated as the horses and burros overgrazed the scarce grass resource, invaded widespread water resources and in many cases became pests in yards and parks and they were frequently invaded by these hungry animals.

It seems to me we can no longer allow management of the ranges to receive only our partial attention. We must provide the Secretaries of the Interior and Agriculture more flexibility to control and manage wild horse and burro populations and give them better authority to manage rangelands under the true multiuse concept envisioned in the Federal Lands Policy and Management Act of 1976—FLPMA as it's called—and the Public Rangelands Improvement Act of 1978.

The adoption program has been successful in providing responsible homes for some excess animals. But to date the BLM has arranged for the adoption of nearly 42,000 animals.

But America is now at a critical crossroads in the horse and burro program. Faced with ever-tightening budgets and the recognition that the taxpayer can no longer afford to subsidize a program to the tune of more than $300 for each horse adopted, we must find a more self-sufficient policy.

The land manager must respond to a critical problem created in part by Congress. We have made it mandatory, in strong, clear language, make no mistake about it, that the Secretaries must destroy excess animals for which there is no adoption demand.

I don't like to see healthy animals destroyed when there are other good uses for them. As an alternative I believe we should give the Secretaries authority to sell excess animals removed from the western rangelands, revenue generated from the sales would be returned to the BLM or the Forest Service and would be available for habitat improvement, studies designed to improve the general welfare of the animals and for general use on the ground program management.

I realize that there is a great deal of emotion in this issue, but Congress simply has to find and face the responsibility of establishing an effective program.

[The text of S. 457 follows:]

II

98TH CONGRESS
1ST SESSION

S. 457

To require the protection, management, and control of wild free-roaming horses and burros on public lands.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 25), 1983

Mr. McCLURE (for himself, Mr. SYMMS, Mr. LAXALT, and Mr. WALLOP) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To require the protection, management, and control of wild free-roaming horses and burros on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West, and that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people. It is the policy of Congress that wild free-roaming horses and burros shall be protected from unauthorized capture, branding, harassment, or death; that a healthy wild free-roaming horse and burro population base shall be maintained on the public lands; and that to accomplish this they are to be considered as an integral part of the natural system of the public lands and managed under the principle of multiple use.

SEC. 2. As used in this Act—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros that use public lands as all or part of their habitat, or that have been removed from the public lands by the Secretary but have not lost status under section 3 of this Act;

(c) "range" means the area of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more bands using the same general area;

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service;

(f) "excess animals" means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law, or (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area; and

(g) "band" means a group of wild horses or burros running together or a lone wild horse or burro.

SEC. 3. (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with appropriate State and Federal agencies and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be in accordance with the resource management objectives for the area established in land use plans. Such plans and activities shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of wildlife species which inhabit such lands.

(b)(1) The Secretary shall maintain current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory shall be to make determination as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; determine appropriate actions conducive to effective wild horse and burro management; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options. In making such determinations the Secretary shall consult with the United States Fish and Wildlife Service, wildlife agencies of the State or States wherein wild free-roaming horses and burros are located, and individuals independent of Federal and State governments who he determines have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management.

(2) Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court-ordered environmental impact statements as defined in section 2 of the Public Range Lands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, or in the absence of the information contained in (i) to (iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels and to accomplish appropriate herd management. Such

action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation:

(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;

(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals, and for which he determines he can assure humane treatment and care (including proper transportation, feeding, and handling): *Provided,* That, not more than four animals may be adopted per year by any individual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party; and the Secretary shall establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain and maintain a viable adoption program;

(C) The Secretary shall cause additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist to be sold at public auction or destroyed in the most humane, cost efficient manner possible: *Provided*, That, when they are sold or destroyed, the excess wild free-roaming horses and burros shall become subject to all State and local humane and sanitation laws, and all Federal humane laws other than this Act; and

(D) Revenue from the sale or adoption of excess wild free-roaming horses and burros pursuant to this Act shall be deposited in the appropriate account of the agency from whose lands the excess animals were removed as reimbursement for costs related to removal, sale, private maintenance, habitat improvement, population management, and studies for the general welfare of wild free-roaming horses and burros.

(c) Where excess animals have been transferred to a qualified individual for adoption and private maintenance pursuant to this Act and there is no evidence of inhumane care or treatment for such animal or animals for a period of one year, the Secretary is authorized to grant title to the transferee at the end of the one-year period.

(d) Wild free-roaming horses and burros or their remains shall lose their status as wild free-roaming horses or burros and shall no longer be considered as falling within the purview of this Act—

(1) upon passage of title at sale or pursuant to subsection (c) of this section; or

(2) if they have been transferred for private maintenance or adoption pursuant to this Act and die of natural causes before passage of title; or

(3) upon destruction by the Secretary or his designee pursuant to subsection (b) of this section; or

(4) if they die of natural causes on the public lands or on private lands and disposal is authorized by the Secretary.

SEC. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses or burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

SEC. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

SEC. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

SEC. 7. Notwithstanding the provisions of any other Act, the Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses or burros and their management and protection. They shall select as advisers persons whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

SEC. 8. (a) Any person who—

(1) knowingly removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary,

(2) sells or converts a wild free-roaming horse or burro to private use, without authority from the Secretary,

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro,

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro without authority from the Secretary, or

(5) knowingly violates a regulation issued pursuant to this Act,

shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401, title 18, United States Code. Any person who previously has been convicted of a violation of this section shall, upon conviction of a second offense punishable pursuant to this section, be subject to a fine of not more than $10,000, or imprisonment for not more than two years, or both.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

SEC. 9. In administering this Act and any laws pertaining to management of Federal lands, the Secretary or the head of any executive department or agency administering Federal lands may use or contract for the use of helicopters or, for the purpose of transporting captured horses or burros, motor vehicles. Such use shall be undertaken only after public notification and under the direct supervision of a duly authorized official of the department or agency. The provision of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)), shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary or other agency head.

SEC. 10. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

SEC. 11. The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this Act. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses or burros that they may deem necessary in order to carry out the provisions of this Act.

Senator WALLOP. We have very many witnesses who have expressed a desire to testify today, and some of them have come long distances, and the standard practice of these committee hearings, I would ask the witnesses to limit their oral testimony to 5 minutes, understanding specifically that your full written statement will be made a part of the hearing record.

If you wish a copy of the printed record the committee will be happy to send you one, and there will be a paper somewhere around to print your name and address on the labels provided near the sign at the desk back there, and when the record—let's see. The hearing record will remain open for 2 weeks, and statements may be submitted to that record, here to my office in Rock Springs or to the subcommittee office in Washington, D.C., and the addresses which are available back there.

When the record is printed, for those of you who leave your name and address, we will send a copy and it usually takes about 2 to 3 months to print it.

And I would ask the witnesses if they could to hold onto their written statements until called to the table.

I would also express my pleasure this morning in welcoming my colleague, Dick Cheney, who is cosponsor of the legislation in the House. He can be with us here for roughly an hour before he has to go catch a plane back.

Dick, welcome.

STATEMENT OF HON. RICHARD BRUCE CHENEY, A U.S. REPRESENTATIVE FROM THE STATE OF WYOMING

Mr. CHENEY. Thank you, very much, Malcolm. I don't have any official status here this morning since this is officially a Senate hearing, not a House hearing, but I do appreciate Malcolm's willingness to let me sit in for a little bit.

I came out yesterday and have been in Evanston, Green River, and Rock Springs and have to go back to Washington this afternoon.

This is an important set of issues that are raised by this problem. I have introduced identical legislation in the House, as Senator Malcolm has in the Senate, and my hope is we'll be able to move both pieces of legislation through the Congress this year, based obviously on the kind of advice and input we get from hearings like this.

It's a pleasure being here this morning. I apologize for not being able to stay all day, but I will review the record that Malcolm compiles of this hearing. As I say, as time develops over the course of the next few months we expect to be able to move the legislation in the House that will track what Malcolm is attempting to do in the Senate.

I appreciate the fact that so many of you folks were willing to come out this morning to give us the benefit of your judgment and advice on what is an important problem for a great many areas in Wyoming.

Senator WALLOP. Thank you, Dick, and I would like to welcome two former colleagues, or almost colleagues, from the legislature. Former Senator Steve Majhanovich will be our first witness. Representative Ayn Strand, Representative Dan Budd, good morning to you all. I'm glad you're here.

I want to say just one other thing. I have a little mystical memo from the Bureau of Land Management. It's called Status Report on Excess Wild Horses and Burros and Adoption Centers on January 12, 1983. And under Burros it says that there are in Arizona 26; in all the Eastern States 21. What the chart clearly shows is that there are more asses in Arizona than there are in the whole Eastern United States, and I don't think anyone in this room might say that that can be substantiated. [Laughter.]

Anyway, we do have a problem and I welcome the witnesses here. And the first one, as I have said, is my longtime friend and former colleague, Steve Majhanovich. And Steve, I surely welcome you here this morning, and may I also express my appreciation for the resolution which you introduced into the Wyoming Senate, some measures of control.

STATEMENT OF HON. STEVE MAJHANOVICH, STATE SENATOR, STATE OF WYOMING

Senator **MAJHANOVICH**. Thank you very much. Senator Wallop, Congressman Cheney and members of your staff, thank you very much for this opportunity to express my feelings as a member of the Wyoming State Senate.

Relative to proposed Senate bill No. 457, I do have a prepared statement here which I shall read.

The Wyoming State Senate heartily endorsed Senate bill No. 457 by a vote of 30 to nothing. The measure was relayed to the House, passed out of committee with a unanimous do-pass, but died on general file in the waning days of the 47th Wyoming State Legislature. Had there been time, I am sure that the Senate joint resolution supporting Senate bill No. 457 would have had the near-unanimous consent of the legislature.

As the only nonagricultural member of the Senate Agriculture, Public Lands and Water Resources committee, I believe that my sponsorship of a resolution supporting Senate bill No. 457 represented not only the interests of agriculture, but more important, the interests of Wyoming citizens in maintaining a well-managed program of wild horses and burros.

Since Sweetwater County and this general area in southwestern Wyoming is the home of the largest concentration of wild horses, my constituents feel that current methods of controlling the horse herds have not operated properly, and have been detrimental to the proper control and preservation of our wild horse population.

It is indeed refreshing for Congress to consider changes in wild horse management which will result in a humane reduction of the horse population, resulting in benefits to the animals as well as reducing overgrazing in this area.

I believe Senate bill No. 457 will address the proper conservation of our wild horse herds and certainly will result in economic savings for the people of this Nation.

Thank you very much.

Senator **Wallop**. Thank you, Steve. We were as well to have had testimony from Representative Marlene Simons, who I understand is not here and is not able. I wonder if either you, Dan, or——

Mr. **Hay**. Senator, Dick Loper has a statement from Marlene, and he, I think, will be here in a few minutes.

Senator **Wallop**. OK. We can have that one put in the record, but would either of you like to make a statement?

Ms. **Strand**. I came here to listen.

Senator **Wallop**. Mr. Budd.

STATEMENT OF DAN BUDD, STATE LEGISLATOR, STATE OF WYOMING

Mr. **Budd**. Thank you, Senator. I didn't bring a prepared statement. I just got back from a Sunday control tour but I served on the House Agricultural Committee as you know, and that came out with the unanimous House Act for Culture Committee with full support, and, as you well know, with the amount of legislation that has to be handled in 40 days we were not able to bring it up, but I would like to certainly reiterate Senator Majhanovich's statement that we did have support in talking to the members that realize there is a serious problem, and they felt that your Senate bill was in the right direction to support the concept to manage these horses.

Senator **Wallop**. Thank you very much. What we'll do now is we'll conduct this hearing by panels, and the first panel is Mr. John Eyre of the Wyoming Stockgrowers Association; Mr. John Hay of Rock Springs; Mr. Dick Loper, Lander, Wyo., Wyoming State Grazing Board; Mr. Truman Julian, Society of Range Management and Wildlife Federation from Kemmerer; and Mr. Bill Taliaferro, Western Wyoming Livestock Users, Rock Springs. I under stand Jim Magagna will testify for Bill Taliaferro. Truman Julian is here, I saw him. And Dick Loper, I guess he may come in while we're doing this, but John is here, John Hay, isn't he? I thought I saw him. Leonard is here. Is John coming?

Ms. **Hay**. John will be here. We were told we'd convene at 11. Dick went to get breakfast. John went home for a few minutes, but they're to be back here around 11.

Senator **Wallop**. It's just about 11 so we'll start with what we got, and they can just join us as they come in. Why don't you just start with Truman. Truman, you go ahead.

STATEMENT OF TRUMAN JULIAN, ON BEHALF OF THE SOCIETY FOR RANGE MANAGEMENT AND THE WILDLIFE SOCIETY

Mr. **Julian**. Thank you, Senator. I'll read a statement from the Society of Range Management, which will be referred to as SRM, and the Wildlife Society, TWS.

On the proposed amendments to Public Law 92-195, Wild Horse and Burro Act in S. 547 of February 3, 1983, these amendments are proposed in S. 547 introduced on February 3, 1983, and in H.R. 1675 introduced late in February 1983.

SRM and TWS are professional organizations, international in scope, representing individuals and groups with a common interest in the study, management, and rationale use of public and private rangelands and related ecosystems.

Memberships in SRM and TWS includes ranchers, wildlife biologists, hydrologists, range conservationists, students, teachers, businessmen, and others refecting the wealth and variety of rangelands values and the diversity of interests in rangelands. SRM and TWS support sustained multiple use of rangeland resources and have members with expertise in all rangeland resources and have members with expetise in all rangeland and wildlife management sciences and in coordinated resources planning and management.

SRM and TWS members have a public and professional interest in seeing that the Wild Horse and Burro Act is effective. Without amendments to the present law the on the ground resource will suffer. The natural habitat for the horse and burro population as well as the habitat for all wildlife species occurring on these areas will inevitably deteriorate to their detriment and possible eventual exclusion.

Our comment are tied to the lines and page numbered amendments to S. 547 as follows:

Lines 8 through 11, page 1, as amended, are entirely acceptable. SRM and TWS support the idea of a healthy wild free-roaming horse and burro population that is managed under multiple use principles.

Lines 19 and 20, page 1, and proposed amendments page 2 are reasonable. SRM and TWS particularly agree that appropriate State and Federal agencies should be consulted. Likewise, that public input be encouraged through the advisory board as outlined in lines 19 to 25, page 2.

On page 3, SRM and TWS agree that wild horse and burro management should be tied into the resourse management objectives, for the area, as established in land use plans.

On page 5, we support the principle that the Secretary shall establish by regulation adoption fees that discourages speculation and that promotes a viable adoption program. Likewise, SRM and TWS support the amendment, page 5, that after adoption demands are met if there are additional surplus animals they should be sold at public auction. It is also logical that any such animals should become subject to all State and local humane and sanitation laws and all Federal human laws other than this act.

SRM and TWS agree that revenues from sale of adoption of animals under this act, as outlines under the (d) section, page 5, should be used for reimbursement for the costs by the agencies affected. It if turns out that this section is not approved, SRM and TWS still strongly favor the auction sales of surplus animals over and above adoption numbers.

The practical amendments for granting title as outlined on page 6 meets with out approval. SRM and TWS favor the appointment of an advisory board as directed in section 7, page 7. Likewise, we support the proposed penalties, page 8, for violations of the act.

Simplification of the procedures for use of helicopters as outlined on page 9 appears desirable and humane as well as cost efficient.

In summary, SRM and TWS believe that perpetuation of a continuous wild horse and burro population is dependent on a heavily range resources—healthy, excuse me. Healthy range resource. We also believe that an amended act is needed that gives the land managing agencies that authority to assure protection of the range resource under a multiple-use principle of management.

After adoption requests have been met there should be authority to sell the additional surplus animals, if any. The agencies should have flexibility, flexible auction sale authority. Disposal would be necessary only for crippled or unsaleable animals, if flexible sale authority is granted the agencies.

SRM and TWS also believe that the image of the Federal land management agencies will be enhanced under the surplus animal sale program. It is important that the agencies have the legal and administrative policy tools necessary for the most humane controls of this dynamic horse and burro population. This horse and burro population, in turn, is dependent on the proper management of the renewable and dynamic range resource by the land management agencies.

Thank you, Senator.

Senator WALLOP. Thank you, Julian. John Eyre?

STATEMENT OF JOHN EYRE, SECOND VICE PRESIDENT OF THE WYOMING STOCKGROWERS ASSOCIATION, ON BEHALF OF THE WYOMING STOCKGROWERS ASSOCIATION, THE NATIONAL CATTLEMAN'S ASSOCIATION, AND THE NATIONAL PUBLIC LANDS COUNCIL

Mr. EYRE. My name is John Eyre. I'm a cattle rancher in Uinta County. I'm also the second vice president of the Wyoming Stockgrowers Associaton and I am here speaking for and in behalf of that organization. I'm also speaking for the National Cattleman's Association and the National Public Lands Council.

The wild horse issue is a perfect example of an insignificant inhouse management problem of the Bureau of Land Management that has been blown out of proportion by sensationalism, public misunderstanding and political quagmiring. The Bureau of Land Management has taken the brunt of a lot of criticism on various issues, but for once they have made a good effort in Wyoming to try and control the wild horse population, but have been handicapped by legislation forced upon them by Congress.

As a rancher, I am governed by certain economic principles, one being that if you spend more than you take in, you do not stay in business very long.

One of the gross improprieties of the adopt-a-horse program is the total disregard of this first of economic principles. These horses are being gathered at a cost of over $400 per head to the Government with the total cost being lost by giving the horses away when some, or all of the costs, could be recovered through the fair market value of the animals.

My testimony concerning wild horses does not come as a mere emotional observer, but a person that has developed a love and concern for these animals through many years of riding the ranges and enjoying seeing these animals. From my many observations I have learned a few simple facts concerning the wild horses.

Wild horses need to be managed at an appropriate number. I do not support total removal of wild horses from western ranges. They have an important part in my heritage and I hope a part of my children's, but it does not take an uncontrolled population of horses to satisfy that need.

Left unchecked, a wild horse band will double in size every 4 years resulting in incompatible overpopulation in a very short time.

Three, a majority of wild horses are just not functional as pleasure horses. The movies and television have overdramatized the beauty and intelligence of these animals. The beauty of the wild horse running along a ridge is unsurpassed, but upon close inspection of these horses, you find that most of the beauty is enhanced by the distance and the scenery. A lot of the horses have developed infirmities due to many years of inbreeding, injury or old age making them totally unfunctional.

The membership of the Wyoming Stockgrowers Association would support most of the concepts within the proposed legislation. One, there is a need to recover some of the cost of roundups through the fair market value of the animals, and two, the funds received from the animals should be used to improve habitat for all grazing animals.

Points of disagreement would be: one, there should be no more money spent on studying the wild horses. If the BLM has no experience in horse husbandry, there are plenty of people in the private sector who can provide this information; and two, protection of the animal after they leave the control of the BLM is a problem that is too costly to police.

I thank the committee for this opportunity to testify.

Senator WALLOP. Thank you, John. I can see that Dick Loper has come in. I might just ask you to stay. What we'll try to do is complete the panel and then direct questions to you all, if any should be——

Mr. EYRE. I might get weakhearted if I knew I'm going to get cross-examined here.

Senator WALLOP. Well, I wouldn't think it would be too terrifying.

Mr. EYRE. Thank you.

Senator WALLOP. I also just might say for the benefit of those here, I neglected to introduce Tom Williams of the minority staff of the Subcommittee on Public Lands and Reserved Water, of the Senate Energy Committee, and Tony Bevinetto of the majority staff. I also might point out it is being officially recorded and it is an official hearing of the subcommittee.

Dick, please proceed.

STATEMENT OF DICK LOPER, RANGELAND CONSULTANT FOR THE WYOMING STATE GRAZING BOARD

Mr. LOPER. Thank you, Senator Wallop. It looks like I'm here as kind of a surrogate for a number of folks today that weren't able to make it out as a result of weather, and travel restrictions. I know you experienced some yourself, but I am here at the request of, in particular, the Wyoming State Grazing Board, and I would like to read a presentation on their behalf.

Senator WALLOP. As I understand you have other statements and if you'll just announce what they are and submit them for the record so that the other——

Mr. LOPER. Right sir. I don't intend to read the rest of them.

Gentlemen, on behalf of the Wyoming State Grazing Board, an organization authorized by the State government of Wyoming, and dedicated to the wise use of public grazing lands, I would like to submit the following comments on proposed Senate bill 457.

We support the basic intent of this proposed legislation, which is to authorize the Secretary to offer at public auction horses and burros for which an adoption demand by qualified individuals does not exist. This alternative is an appropriate public land management tool because the adoption alternative, by itself, has not in the past, and cannot in the future, be expected to provide the demand necessary to facilitate the proper management of excess horses from the public lands.

So long as those horses and burros are considered an integral part of public lands and managed under the principles of multiple use, we feel they would be managed in the same way as other components of public lands. Their excess numbers should not be allowed to abuse the public rangelands.

In an effort to strengthen BLM's authority to properly manage horses and burros on public lands, we offer the following comments on specific sections of this proposed bill.

At various places in the proposed bill, the narrative states that horses and burros should be maintained on the public lands. We feel this phrase is too general and too inclusive, and we recommend that the narrative be changed to state that horses and burros be maintained as components of only certain public land areas in the West.

Our justification for this comes from Public Law 92-195, the Wild Horse and Burro Act of 1971, which stated that, "they are to be considered in the area presently found, as an integral part of the natural ecosystem of public lands," meaning 1971 use areas.

Also section 9 of the 1971 Horse and Burro Act states that, "Nothing in this act shall be construed to authorize the Secretary to relocate wild free-roaming horses and burros to areas of the public lands where they do not presently exist," in 1971. Since horses and burros are territorial by nature, they will occupy the amount of land area in direct proportion to their population numbers.

BLM documents state that wild horse and burro numbers in the West have increased from approximately 17,000 in 1971 to over 60,000 in 1982. Since 1976, more than 42,000 animals have been adopted by private individuals. Logic concludes that 60,000 animals will now occupy a far greater amount of land area than 17,000 did in 1971, and actual resource data collected by BLM, National Science Foundation research programs and certain western State agencies, documents this conclusion.

The inability of the Bureau to maintain horse and burro numbers at 1971 levels constitutes a de facto relocation of horses and burros to areas where they did not exist in 1971. These defacto relocations are clearly in violation of the expressed intent of Congress in 1971, and we recommend that this proposed bill retain and restate the original intent of Congress on this issue.

The National Science Foundation recently recommended that the BLM manage horses and burros under the viable herd concept. We feel that the viable herd concept is appropriate if state-of-the-art technical concepts, instead of emotional points of view, are used to determine herd numbers. We recommend that the proposed bill include the viable herd concept as the procedure for determining appropriate herd numbers on certain public lands, and we suggest the following definition of that term, "viable herd," means the minimum number of horses or burros necessary to sustain themselves in balance with the ecosystem they would inhabit.

In line with our previous comment, we recommend that definition (c) in the proposed bill be changed to read:

> Range means the area of public land necessary to sustain a viable herd of wild free-roaming horses or burros, which would not exceed the territorial limits established by that herd and which is principally managed for their welfare in keeping with the multiple use concept for those public lands.

In definition (f), we recommend changing the narrative to now read:

> Excess animals means wild free-roaming horses or burros, (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which must be removed in order to preserve amd maintain viable herd numbers which would be in balance with multiple use relationships which existed in 1971 for that area.

Section 3(a) states that the Secretary should consult with the Horse Advisory Board prior to setting up sanctuaries. We recommend that the Secretary be required to consult with existing district grazing and mulitple use advisory boards as well, prior to developing sanctuaries and horse management areas on public lands. Local affected interests should be consulted with and involved in local horse and burro management plans.

On the top of the third page, add—specialist in the field of rangeland management, to the list of scientists the Secretary should listen to. Biologists and ecologists will probably not have a practical feel for the rangeland management implications of horse management programs.

Also in this paragrpah, the plans and activities should be carried out in consultation with all affected parties, not just the Game and Fish Department. Also, change the term forage allocations to numbers in the last sentence of the first paragraph on this page, because the range profession has stated that today's range managers do not yet have the expertise or technology required to accurately determine forage allocations for specific multiple uses of native ranges.

In section (b)(1), change the second sentence to read:

> The Purpose of such inventory shall be to: make a determination as to whether or not an overpopulation exists, and if so, take immediate action to remove the numbers in excess of the level necessary to maintain a viable herd; determine appropriate actions conducive to effective wild horse and burro management; and determine whether these viable herds should be achieved and maintained by the removal or sale or destruction of excess animals, or other options.

This change is needed because the Bureau needs a clearer legislative mandate on congressional intent on how to manage horses and burros on public lands.

In section (b)(2), we recommend that the narrative starting on line 11 be changed to read:

> . . . . he shall immediately remove animals in excess of minimum viable herd numbers in order to accomplish appropriate herd management.

Management levels arrived at through the viable herd concept are consistent with multiple use concept of minimizing conflicts between the various components of native rangeland ecosystems. The phrase presently in the bill, appropriate management levels, has as many different definitions as those of us who have opinions on this subject, and we feel that horses and burros should be managed on the technical basis of what the rangelands can properly support, and not on the basis of emotion and opinion.

Those of us who live and work on western rangelands live in the real world of practical and economic rangeland management, and public land management policies should be required to live in that same world.

On the last page of the proposed bill, change section 10 to read:

> Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of public lands where they did not exist in 1971.

This language would clearly restate the intent of Congress when they passed the original Horse and Burro Act in 1971.

Thank you very much for the opportunity to comment on this proposed legislation. If there are any questions concerning our views on this issue, we would be pleased to respond to them at your convenience.

Senator **Wallop**. Thank you, Dick. I would like to point out I let your run a little over, but one of your panel members is not here, but I caution people coming to testify that we will have to stick somewhat to that 5 minute limitation in order to give everyone an opportunity to be heard.

Next speaker is my friend, John Hay.

STATEMENT OF JOHN W. HAY, JR., PRESIDENT, BLAIR & HAY LAND AND LIVESTOCK CO.

Mr. **Hay**. Senator Wallop, Congressman Cheney, members of the staff, I have filed a written statement to you, and in the cause of time I will make my comments real brief.

Presently the Bureau of Land Managment and all the people connected with the gathering of these horses on the public domain and the Forest Service have been very cooperative. All the agencies and the landowners as well.

The problem that has arisen in our Wyoming Grazing District No. 4, and the other public domain areas, at the outset when the bill was enacted in 1971 the feeling was that there would be a sufficient number of applicants to adopt the excess horses. Probably because of the lag time in finding and implementing the gathering of these animals the populations exploded, and a problem has been created that the act did not contemplate.

I would say that two reasons why the adoption program has slowed down, first, the cost. The cost to the person that wants one of these horses is prohibitive. Second, a great number of these horses that are offered for adoption are beyond adoption. They're too old, they're too big, they don't lend themselves to adoption, so you've handicapped the program right off the start with these two limitations.

So, I would say to help regulate and help correct what the existing problem is, and to accomplish the result that we all want, the present program should be—adoption program should be supplemented. After all, marketing—adoption program is a marketing procedure. They thought at the outset it would be adequate to dispose of these animals. Time has proven it is not adequate.

In view of that I would say that your amendment should provide that once you've exhausted your present procedures that the Bureau of Land Management, and they're all capable people and they have knowledge and they know what they're dealing with, they should be given the authority to market these animals in the best way possible.

I know—I think if that can be accomplished then eventually we can reduce these numbers to the point where these herds can be managed and handled, and I might say that in this area the landowners and the Government and all of the members representing various horse associations, we've all agreed to cooperative agreements. We've submitted them to the BLM and they've been approved, and if we could once clear up this backlog by expanding this marketing procedure, I'm satisfied that this situation would take care of itself.

In view of that I would recommend to you, Senator Wallop, and you, Congressman Cheney, that the bill be amended and this additional tool for these men to manage this resource should be brought about, and I urge you to adopt the proposed amendments.

Thank you.

[The prepared statement of Mr. Hay follows:]

BLAIR AND HAY LAND AND LIVESTOCK CO.
ROCK SPRINGS, WYOMING 82901

Senators:

My name is John W. Hay, Jr. I am a lifelong resident of Sweetwater County, Wyoming, and have spent much of my life observing the use of and condition of the range within this County, specifically, and in Southwest Wyoming generally. I have particularly observed the area known as the Checkerboard (sometimes also called "The Lease") and the BLM allotments to the north and south of the Checkerboard. In our area, this is where the wild and free roaming horses which are the subject of the Wild and Free Roaming Horses and Burros Act of 1971, are primarily located. Over the years, I have observed the number of horses in the area expand and contract. Prior to the passage of the Wild Horse Act in late 1971, management of these horse herds was primarily a response to their increasing in number. When there were too many, the horses would be gathered and sold.

In late 1971, at a point when the herds were approaching an apex under the then existing system, Congress passed and the President signed the Wild Horse Act, which placed management responsibility for the horse herds in either the Bureau of Land Management (BLM) or the United States Forest Service, depending on the lands occupied by the horses. My familiarity is with the management of the horses by the BLM

The BLM's management of the herds has been frustrating to local land owners, livestock operators, horse interest groups, and the BLM personnel alike. Most land owners and livestock operators are not against the occupation of part of their privately owned lands, together with the public lands, of a reasonable number of wild horses; but they are desirous of seeing those herds properly managed by the BLM. Most horse interest groups realize that the horse must coexist with the other uses on the public domain and that, in this area at least, must also have access to privately owned lands to survive. The horse interest groups also want to see the horse herds properly managed. The BLM is concerned with administering its lands properly for multiple use and proper range management. All concerned want to see proper management of the horses.

The problem is that the BLM has not had adequate tools to properly manage the horse herds. Local BLM personnel, after some false starts and some prodding from private land owners and the horse interest groups, have become fairly proficient and cost-efficient at gathering excess wild horses on the public domain and private lands. The major problem arises when these gathered horses reach the BLM's holding corrals.

At the present time, there are only two choices available to the BLM concerning disposition of healthy horses after they reach the holding corral. The Bureau can hold the horses until someone adopts them under the Adopt-A-Horse Program, or the Bureau can destroy the horses if no one adopts them within a reasonable time. For various obvious reasons, the second choice is not viewed with favor by anyone who has thought through the consequences. The first choice, however, is fraught with difficulties. There seem to be more horses than can be placed through the Adopt-A-Horse Program. It seems to take longer and longer to place the horses under the program. And so more and more of the Bureau's budget for horse management is literally being eaten by the horses in the corrals. Inasmuch as the horses on the range cannot be gathered until there is room for them in the corrals, less gathering takes place than could be done, and the management program becomes a holding action on the range, at best. At worst, it becomes a tragedy to the resource.

We are told that one reason the Adopt-A-Horse Program is becoming more difficult to administer is because the BLM cannot give title to the horse to the adopter until a year after the adoption. The BLM retains management responsibility over the horse in private hands. This, of course, also is a drain on the horse management budgets. Further, one can adopt no more than four horses.

This bill, we are advised, would give the Bureau ability to sell the excess, unadopted horses, without such restrictions, after a reasonable time. The disposal would still be limited to humane disposal and the Bureau's actions in such sales would still be subject to review by appropriate authorities. However, the choice would no longer be between holding the horse in perpetuity or its destruction. The Bureau would be able to sell the horses to appropriate and approved buyers. This would appear to be a most appropriate tool to enable the Bureau to get on with the job of managing these horses. Without the appropriate management tools, BLM management is doomed to failure. This is not the fault of the BLM personnel who have made a strong effort to manage with the tools given them. It is the fault of their policy makers in *not giving them the tools necessary for the job. The proposed bill may not completely solve the management problems, but it is a step in the right direction.*

I urge you and your colleagues to recommend the bill for approval and to adopt the bill.

Thank you for your consideration of the foregoing comments.

John W. Hay Jr.

John W. Hay, Jr.
President, Blair & Hay Land & Livestock Co.

Senator WALLOP. Thank you, thank you very much. Jim Magagna, I gather you're going to stand in for Bill?

Mr. MAGAGNA. No, I'm just going to take my turn now and he'll take his turn later this afternoon, I believe, Senator.

Senator WALLOP. OK.

STATEMENT OF JAMES H. MAGAGNA, VICE PRESIDENT OF THE WYOMING WOOL GROWERS ASSOCIATION, ON BEHALF OF THE WYOMING FARM BUREAU

Mr. MAGAGNA. Senator Wallop, Congressman Cheney, I'm speaking today on behalf of the Wyoming Wool Growers Association as well as the Wyoming Farm Bureau. I'd like to express my appreciation to you for the opportunity to address you here and for your scheduling this hearing in Rock Springs, which is the hub of the horse gathering and disposal program for Wyoming.

Since passage of the Wild Free-roaming Horse and Burro Act, the development of a program for the control and management of these animals on the public lands has been somewhat of an evolutionary process, guided initially very much by emotion, but more recently by facts and reason. The Bureau of Land Management in the operation of the horse program in western Wyoming is no longer feeling its way in the dark. It has developed a sensible management approach that is not so much clouded by overreaction to public emotion at either extreme as it is guided by the true public interest.

Most major elements of a long-range horse management program are now in place in this area. First, we have an agreement on an acceptable number of horses for the area reached between representatives of the local horse protection groups and the livestock organization controlling much of the private grazing lands in the area. These management numbers have largely been adopted by the BLM.

Second, based on these numbers the Bureau has prepared horse management plans which are consistent with their overall multiple use resource management plans. These plans recognize the horse ranges to be those areas where these horses grazed prior to the adoption of the horse act.

Third, the Rock Springs District has assembled a truly professional horse gathering staff is that to be highly complimented for their ability and their successes. Within the constraints placed upon them, they have been able to operate efficiently, and therefore at a reasonable cost per horse gathered and placed in the bureau corrals.

Finally, fourth, the bureau has developed a mechanism for the handling and placement of those horses for which an immediate adoption demand exists.

The fifth element of a workable horse program is the ability to dispose of those horses for which such immediate demand does not exist, and to do so without undue cost or delay to the program. This cannot now be done in a reasonable and practical manner. This is clearly evidenced by the some 150 head of horses presently in the Rock Springs corrals. Several of these horses have been there for nearly 1 year and are likely not adoptable at any fee.

The maintenance of these horses is not only costly, but perhaps more importantly, it hinders the ability to gather additional horses and is the major obstacle to reaching management levels in this area.

The Wyoming Wool Growers and Wyoming Farm Bureau feel that S. 457 is both timely and badly needed for two reasons. Most importantly, it recognizes this critical fifth element, to which I referred above, by granting sale authority for those horses for which no qualified adoption demand exists. Second, it updates the law in many areas to recognize the current status of the wild horse and burro on western ranges, and lends the strength and permanence of statutory authority to many of the multiple use management principles which the BLM has already begun to apply to the horse program in this area.

I would like to recommend, Senator, several minor changes in the wording of the bill which I feel have potential major impact on operation of the future program. The range occupied by these horses must be managed so as to meet their needs; however, to manage it principally for their welfare as defined in section 2(c) is, I believe, not consistent with the concept of multiple use management.

Following burros on line 3 of this subsection, I would suggest substituting language somewhat like the following: "Which is managed under recognized principles of multiple use management that adequately provide for the welfare of these herds."

In section 3(a) we would encourage that the required consultation process be broadened beyond State wildlife agencies, to include State land management agencies, private landowners where intermingled lands are involved, multiple use advisory boards and grazing advisory boards.

Finally, section 6 provides authority for cooperative agreements for maintenance of these animals on private or State lands—such agreement as we already have in the Rock Springs District. However, the provision in section 4 requiring the private landowner to protect these horses or burros from harassment will certainly, I believe, discourage such agreements. This should perhaps be revised to make such landowner responsible only for his actions and those of his agents. Neither should this person be responsible for reporting to the Bureau of Land Management on the number of such animals on his lands.

Section 10 of the bill is unacceptable to us in its implication that the Secretary may maintain herds of horses or burros in any or all areas where they presently exist. These animals presently exist in many areas where they did not exist prior to 1971, and even in areas where they did not exist as recently as 4 or 5 years ago, as the unchecked growth of the herds had forced them to spread out in search of forage and water.

We encourage you to amend this section to provide that they may not be relocated to areas where they did not exist prior to 1971.

The Wyoming Wool Growers and Wyoming Farm Bureau encourage the speedy enactment of this needed legislation.

I personally thank you, Senator, for the opportunity you have given us today to present these comments.

If I may, in closing, and I won't take time to read this, I've been asked to introduce this also into the record by the Commissioner of Agriculture in Wyoming and the Commissioner of Agriculture of Nevada, a resoluton which has been adopted by the National Association of State Departments of Agriculture, and I've provided you with copies of that resolution as well.

[The resolution follows:]

RESOLUTION NO. LUNREQ-9
(FOR NASDA USE ONLY)

SUBJECT OF RESOLUTION AMENDMENTS TO THE WILD HORSE ACT

ORIGIN OF RESOLUTION WASDA

DATE OF ORIGIN JULY 28, 1982

Public Law 92-195, which provided for protection of wild horses and burros on the Bureau of Land Management and U.S. Forest Service managed public lands has been in effect since December of 1971. During this time, the number of wild horses and burros has increased to the extent that they are causing extreme damage to the rangeland and water resources in many areas in the Western States. Several million dollars of taxpayers' money has gone to this program which has been wasted through mismanagement and poor management. The Wild Horse Adoption Program has been inadequate.

RESOLVED, that the National Association of State Departments of Agriculture, meeting in Des Moines, Iowa, on September 15, 1982, supports changes in the Wild Free-Roaming Horse and Burro Act to allow the BLM and USFS to sell excess wild horses and burros.

FURTHER RESOLVED, that efforts to reduce the number that may be adopted be opposed.

ACTION TAKEN BY NASDA STANDING COMMITTEE APPROVED

ACTION TAKEN BY NASDA RESOLUTION COMMITTEE APPROVED

ACTION TAKEN BY NASDA

Senator Wallop. Thank you, Jim. This will be included as part of the record. I would agree with you that something might be done in section 10 to provide a little more direction, but I don't think it can be construed presently to authorize an expansion of horse ranges. Its intent is clearly to—not to authorize them to relocate horses where they are not now.

I think what you're suggesting is that that remain but that there be some direction as well to go back to the 1971 ranges, more or less as Dick Loper testified to us.

Mr. Magagna. Yes.

Senator Wallop. Dick, you've—is it your feeling that there is sufficient definition in the word viable horse herds to—the problem we always deal with in these things is accepted or unaccepted or new interpretation or other interpretation on what everybody else views as clear language. And is it your feeling that viable horse herd is clear enough language to be included in the bill?

Mr. Loper. Yes, sir. I think it is, and I apologize that I don't have the National Science Foundation formula with me, but it is, in fact, a formula recommended by them in order to arrive at those viable herd numbers. I understand John Bolson of the BLM, if he's here today, he does have a copy of that formula.

Senator Wallop. One last question and it's just for me to reaffirm. You, Jim, said that there was an agreement that had been reached between the range users and the local horse protection groups as to the populations. Are you quite comfortable that they are comfortable with that agreement?

Mr. Magagna. Yes. That agreement is in writing and it's been signed by both groups and it's on file with the BLM. I believe that we're all committed to living under the terms of that agreement.

Senator Wallop. Would that call for some reduction in horse populations presently on the ranges in Sweetwater County now?

Mr. Magagna. It called for quite a large reduction in the numbers at the time of that agreement, and in the numbers still existing, yes, down to 1,500 head in the Rock Springs District. And I believe current inventory in the District is somewhere in the vicinity of perhaps 4,000 or greater, I'm not certain of that.

Senator Wallop. Is there a litigation, an active litigation in the county against BLM for——

Mr. Hay. Senator Wallop?

Senator Wallop. Yes?

Mr. Hay. Rock Springs Grazing Association—that has a great ownership in the checkerboard lands, and the Rock Springs Grazing Association stems from west of Green River to Table Rock, and that's 20 miles north of the Union Pacific right-of-way, and 20 miles south of the Union Pacific right-of-way, 20 miles north and south, and we run in the southeast corner. We go down to about range 95 or 96, we go west to 107. We own some 500 acres, and we lease approximately 500,000 acres from the Union Pacific Railroad in the State of Wyoming, and various individual landowners.

Presently the status of that case—we purposely have stayed out of that because we're in court, but you've asked the question and I will state its present status. We are——

Senator Wallop. Could you pull the microphone a little closer?

Mr. **Hay**. I'm sorry. We presently—we've been in the Federal court in Cheyenne and we've been to the appeals court and we've been back to the Federal court and now we're back in the appeals court in Denver. And we would anticipate a decision sometime in the next 6 months. But for you, Senator, if you would like it, I can provide you with the briefings and the decisions that have been rendered, and we would be very happy to supply that to you, to your committee if you'd like.

Senator **Wallop**. I think it would be interesting information for us to have, and I'd appreciate that.

Mr. **Hay**. We'll do that.

Senator **Wallop**. I want to thank all for your testimony this morning. I know it's an effort for some of you to come this far and I appreciate it very much.

And the next panel—forgive me if I get some pronounciations wrong and correct me when you come up—Dr. Ronald Zaidlicz, National Organization for Wild American Horses, Box 1719, Bailey, Colo.; Tom Little, who is director of the Haven Humane Society, representing the Humane Society of the United States and of the American Horse Protection Association, Redding, Calif., and Mr. John Borzea, a former director for the International Society for the Protection of Mustangs and Burros, Rock Springs, Wyo.

Welcome and again, the same kind of think. Kind of capsulate your statements and the whole statements will be in the record, and then we can have whatever dialogue you wish. Dr. Zaidlicz?

Dr. **Zaidlicz**. Yes, sir.

Senator **Wallop**. Is that close to right?

Dr. **Zaidlicz**. It's pretty close.

Senator **Wallop**. Correct me. I don't want to go wrong.

Dr. **Zaidlicz**. It depends, you know, who's pronouncing it. Our family doesn't pronounce it quite the same, so——

Senator **Wallop**. OK.

STATEMENT OF DR. RONALD ZAIDLICZ, ON BEHALF OF THE NATIONAL ORGANIZATION FOR WILD AMERICAN HORSES, BAILEY, COLO.

Dr. **Zaidlicz**. Well, I'd like to take this opportunity to address this wild horse issue based on the views of our organization, which is the National Organization for Wild American Horses.

I'm a veterinarian who deals every day with wild horses, and I don't necessarily agree with the gentlemen ahead of us because I don't believe that they looked at other alternatives to the program.

Our statement here will address some of the things that we think are important, and I'll entertain any questions afterward.

The National Organization for Wild American Horses agrees that the adopt-a-horse program as it is now being run is not effective, and that changes must be made to make the adopt-a-horse program a success and put the program back on a break-even basis.

We are absolutely opposed to the changes in the Wild and Free-roaming Horse and Burro Protection and Management Act proposed in Senate bill 457. The changes proposed in this bill violate both the letter and spirit of the act, which is one of the most widely supported pieces of legislation in history. Passage of this bill would provide the Bureau of Land Management with an easy solution to a problem which they have created by their own poor management, and further, would make it possible for certain private individuals to realize great personal profit from buying and selling of animals which belong to the American people.

Should this bill become law, there would be nothing to prevent BLM from manipulating the capture and adoption schedules so that virtually all the animals could meet the requirements for sale. We at NOWAH feel it is hypocritical to amend a law, which states its purpose as the protection and management of free-roaming horses and burros, and allow for public auction and probable slaughter of these animals. This would be like amending the Constitution to allow for some other form of government other than a democracy.

The so-called wild horse problem is the result of BLM's incompetence and indifference in both planning and carrying out the adopt-a-horse program. We would like to take this opportunity to state publicly some of the problems as we see them.

Advertising, publicity and promotion, which is a major factor in the success or failure of the program, is haphazard and not at all effective in creating a large, long-term demand to adopt horses and burros.

There are few requirements which must be met to qualify to adopt an animal, and those requirements have little bearing on the suitability of the applicant to adopt.

There is no adequate preparation of potential adopters for the reality of adopting one of these animals, especially a wild horse. Education and preparation of adopters is essential to the welfare of both the animal and the adopter, and to the development of a successful relationship between the two, and thus essential to the success of the program. Successful adoptions create more potential adopters.

BLM's rough handling of these animals make them fearful qnd suspicious of humans, again hindering the animals' adjustment to captivity. NOWAH has been involved in processing horses and burros for some time, in the last year especially from China Lake Naval Weapons Center in California. Our staff has found no need to be rough or abusive with the animals, and we find that as a result, our animals are much more adoptable and adapt quicker to homes. And in the case of—uh, we can demonstrate this in videotapes and different things, and show that these animals much more quickly adapt than are originally broken, which makes them more adoptable.

Generally, poor planning of the timing of captures and the subsequent distribution of animals results in confusion, creates demand where there are no animals, and collects animals where no demand has been developed.

Incompetent administration wastes hundred of thousands of dollars each year. We know of many examples, and no doubt they are only the tip of the iceberg. One example is the shockingly expensive computer system which is supposed to keep track of applicants. That computer is a standing joke among dozens, perhaps hundreds of people who have contact with the adopt-a-horse program. We feel it would have more value as a video game and would return some revenue back into the program.

We see no method of herd management beyond reduction by capture that has been put to use, therefore the adoption part of the program has to bear the entire burden of population control. This is gross neglect of the management responsibility placed on the BLM by the act.

Although there are people in the government who care deeply about the borros and horses, many more feel resentment, indifference and even contempt for the program. These people are among those who will rejoice if this regretable bill is passed.

Our organization has been involved in wild horse and burro adoptions since 1979. We've participated in the adoption of some of the burros removed from the Grand Canyon, and are playing a major role in the adoption of 4,000 to 6,000 burros and 700 horses from China Lake Naval Weapons Center in southern California. We have agreed to play a similar role, beginning this fall, to remove 5,000 to 8,000 burros from Death Valley National Monument.

Our adoption program, which includes screening, educating adoptors, and our handling methods, are quite successful. Our adoption program was started on nothing, and it pays for itself. We've got an attached—two papers that are attached that shows our adoption, including administration and transportation, comes out to last year, for 1,246 animals, something to the tune of I think $94 an animal, where the Government, for fiscal year, I believe if I'm not mistaken, 1981, states something like $373, not including transportation and administration. We feel like this is just a function of the private sector doing the same thing the Government is doing and doing it in a better way. Further, we do all the physical handling of animals adopted through the Denver BLM, at their request.

Our credibility is established with many groups and individuals whose opinions are pertinent to the adopt-a-horse program. The leadership of our organization feels qualified to say that, quite realistically, the adopt-a-horse program can be run successfully and on a break-even basis. We do not, however, believe that the BLM either can or wants to do this.

While we are totally opposed to this bill as a solution to the problem, we are prepared to offer an alternative solution which would accomplish three things: Remove from the range and place in adoptive homes the necessary number of animals; control the number and kind of remaining animals; and make the adopt-a-horse program pay for itself.

Therefore, NOWAH very strongly recommends that the adopt-a-horse program be turned over to the private sector on a contract basis, and that such a contract be awarded to a group or groups with the knowledge, ability, desire, and energy to make the program work, not simply to the lowest bidder. Further, we recommend that this step be taken immediately. There are qualified people eager to make this successful on every level. The government can make this alternative possible.

However, if those sort of alternatives are rejected and this bill is passed, we feel this committee, the Department of the Interior, the entire Congress, and this administration will be forever stained with the blood of America's slaughtered wild horses.

And I submit that, you know, we—not our group alone but the Fund for Animals, the American Humane Association, and numerous other groups who are working with these animals that come off of Defense Department lands and Park Service lands that aren't covered by the bill have the expertise to make these things work without having to resort to slaughtering animals, and I think that we would—some of those figures would give you an idea that it can be made to work.

The private sector utilizes volunteers, they utilize, you know, a lot of things the Government doesn't, and we don't have the bureaucratic hangups the government does. And I would like, if for no other reason than to contribute to the program, if the BLM would like to see video tapes on different things we do, efficiency things and different methods of saving money I'll make all these things available.

Thank you for the opportunity.

[The prepared statement of Dr. Zaidlicz follows:]

Submitted by:
National Organization for Wild American Horses
(NOWAH)
P.O. Box 1719
Bailey, CO 80421
(303)674-8020

NOWAH agrees that the Adopt-A-Horse program as it is now being run is not effective, and that changes must be made to make Adopt-A-Horse program a success and put the program on a break-even basis.

We are ABSOLUTELY OPPOSED to the changes in the Wild and Free Roaming Horse and Burro Protection and Management Act proposed in Senate Bill 457. The changes proposed in this bill violate both the letter and spirit of the Act, which is one of the most widely supported pieces of legislation in history. Passage of this bill would provide the Bureau of Land Management with an easy solution to a problem which they have created by their own poor management and futher, would make it possible for certain private individuals to realize great personal profit from the buying and selling of animals which belong to all the American people. Should this bill become law, there would be nothing to prevent BLM from manipulating the capture and adoption schedules so that virtually all the animals would meet the requirements for sale. We at NOWAH feel it is hypocritical to ammend a law, which states its purpose as the protection and management of free roaming horses and burros and allow for public auction and the probable slaughter of these animals. This would be like ammending the Constitution of the United States to allow for some form of government other than a democracy.

The so called "wild horse problem" is the result of BLM's incompetence and indifference in both planning and carrying out the Adopt-A-Horse program. We would like to take this opportunity to state publicly some of the problems as we see them.

1) Advertising, publicity and promotion, which is a major factor in the success or failure of the program is haphazard and not at all effective in creating a large, long-term demand to adopt horses and burros.

2) There are few requirements which must be met to qualify to adopt an animal, and those requirements have little bearing on the suitability of the applicant to adopt.

3) There is no adequate preparation of potential adoptors for the reality of adopting one of these animals, especially a wild horse. Education and preparation of adoptors is essential to the welfare of both the animal and the adoptor, and to the development of a successful relationship between the two - and thus essential to the success of the program. Successful adoptions create more potential adoptors.

4) BLM's extremely rough handling of these animals makes them fearful and suspicious of humans, again hindering the animals' adjustment to captivity. NOWAH has been involved in processing horses and burros from China Lake Naval Weapons Center for the last year. Our staff has found no need to be rough or abusive with the animals at any stage of processing, a claim we would take pleasure in documenting and/or demonstrating for anyone. As a result of our gentle, humane (and time efficient) handling methods, our animals invariably respond positively to humans.

5) Generally poor planning of the timing of captures and the subsequent distribution of animals results in confusion, creates demand where there are no animals and collects animals where no demand has been developed.

6) Incompetent administration wastes hundreds of thousands of dollars each year. We know of many examples, and no doubt they are only the tip of the iceberg. One example is the shockingly expensive computer system which is supposed to keep track of applicants. That computer is a standing joke among dozens, perhaps hundreds of people who have had contact with the Adopt-A-Horse program. Better it should be turned into a coin operated video game - at least the revenue created would contribute something to the program.

7) No method of herd management beyond reduction by capture has been put to use, therefore the adoption part of the program must bear the entire burden of population control. This is gross neglect of the management responsibility placed on BLM by the Act.

8) Although there are people in the government who care deeply about the burros and horses, many more feel resentment, indifference and even contempt for the program. These people are among those who will rejoice if this regretable bill is passed.

NOWAH has been involved in wild horse and burro adoptions since it was founded in 1979. NOWAH participated in the adoption of some of the burros removed from the Grand Canyon, and we are playing a major role in the adoption of 4,000 - 6,000 burros and 700 wild horses being removed from China Lake Naval Weapons Center. We have agreed to play a similar role when, beginning this fall, 5,000 - 8,000 burros will be removed from Death Valley National Monument.

Our adoption program, which includes screening and educating adoptors, and our handling methods, are very successful. Our adoption program was started on nothing, and it pays for itself. (See attached breakdown) Further, we do all the physical handling of animals adopted through the Denver BLM, at their request.

Our credibility is established with many groups and individuals whose opinions are pertinent to the Adopt-A-Horse program. The leadership of NOWAH feels qualified to say that, quite realistically, the Adopt-A-Horse can be run successfully and on a break-even basis. We do not, however, believe that BLM either can or wants to do this.

While we are totally opposed to this bill as a solution to the problem, we are prepared to offer an alternative solution which would accomplish three things:

1) Remove from the range and place in adoptive homes the necessary number of animals.
2) Control the number and kind of remaining animals.
3) Make the Adopt-A-Horse program pay for itself.

Therefore, NOWAH very strongly recommends that the entire Adopt-A-Horse program be turned over to the private sector on a contract basis, and that such a contract be awarded to a group or groups with the knowledge, ability, desire, and energy to make the program work, not simply to the lowest bidder. Further, we recommend that this step be taken immediately. There are qualified people eager to take over Adopt-A-Horse and make it successful on every level. The government can make this alternative possible.

However, if alternatives are rejected and this bill is passed, this committee, the Department of the Interior, this entire Congress and this administration will be forever stained with the blood of America's slaughtered wild horses.

National Organization for Wild American Horses
P.O. Box 1719
Bailey, CO 80421

FINANCIAL STATEMENT 1982

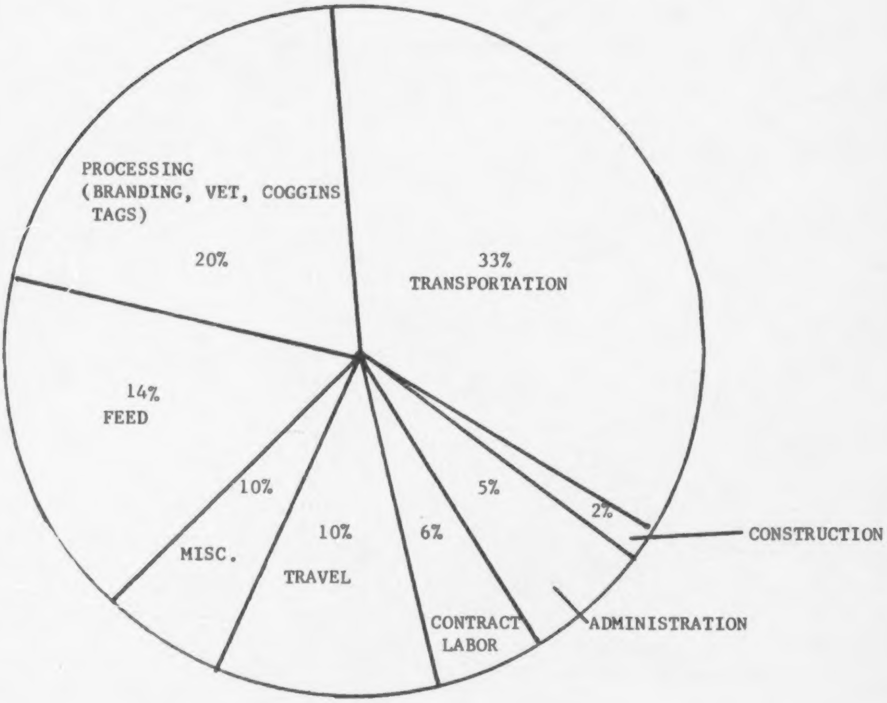
INCOME:		
Adoptions		$113,589.18
Donations		3,741.30
Memberships & Misc. Sales		5,865.54
	TOTAL	$123,196.02
EXPENSES:		
Contract Labor		$ 6,169.75
Administration		7,029.64
Travel		11,834.69
Transportation		38,821.13
Feed		17,047.89
Processing, vet, branding, Coggins tests		23,106.03
Construction		2,111.13
Miscellaneous*		11,566.88
	TOTAL	$117,687.14

TOTAL EXPENSES $117,687.14 = $94.45 per animal
Animals Adopted 1,246

*Includes $5,000 transferred to savings and $1,500 for purchase of horse trailer.

NOWAH

EXPENSES 1982



Senator WALLOP. Thank you, Dr. Zaidlicz.
Mr. Little.

STATEMENT OF THOMAS LITTLE, DIRECTOR OF THE HAVEN HUMANE SOCIETY, ON BEHALF OF THE AMERICAN HORSE PROTECTION ASSOCIATION, INC., AND THE HAVEN OF HUMANE SOCIETY

Mr. LITTLE. Mr. Chairman and members of the committee, I appreciate the opportunity to appear today to express the views of both organizations, AHPA, American Horse Protection Association, and my organization——

Senator WALLOP. Could you slightly square that microphone around so you can—you really just have to talk right into it.

Mr. LITTLE. It's too close?

Senator WALLOP. No; it's not close enough.

Mr. LITTLE. I have submitted for the record a copy of testimony offered by AHPA, American Horse Protrection Association, last August at hearings conducted by Senator James McClure on similar legislation, S. 2183. The association's views on the legislation, especially its opposition to the provision allowing the sale of unadopted animals for slaughter have not changed. However, the written statement does not reflect two recent developments that I would like to call to the committee's attention.

First, on March 4, the Interior Department lowered its adoption fee for wild horses from $200 to $125. This decision came about as a result of litigation brought by the American Horse Protection Association; it was clear that the $200 fee had all but destroyed the adoption program. The American Horse Protection Association expects a much higher level of adoptions and will solve the problem of large numbers of unadopted animals. Therefore, we believe that one of the rationale for S. 457 will disappear.

The second development is the publication of the National Academy of Sciences final report on wild horses and burros. The basic premise behind S. 457 is that huge numbers of wild horses and burros must be removed to protect the range, numbers so large that even a healthy adoption program could not handle the problem, the animals. The Interior Department claimed in January 1982 that nearly 32,000 animals were excess, over 55 percent of the inventoried population. AHPA believes that these massive removals aren't necessary. Let me give you just one example of how horses are being removed in the name of rangeland conservation or protection.

The NAS report makes clear that overgrazed conditions—if they exist—cannot easily be blamed on the existence of a particular number of wild horses. Nor will the removal of large numbers of wild horses necessarily promise a solution to poor range conditions. The report demonstrates that competition between wild horses and livestock or wildlife is a much more complex concept than the Interior Department would have us believe. Actual competition with wildlife a rationale often used to justify wild horse removals, is unusual.

The NAS report suggests that the indentification of 32,000 wild horses and burros nationwide as excess is inconsistent with the type of study necessary to understand the relationships among grazing animals and local conditions. To the extent that the Interior Department has labeled 32,000 horses and burros as excess in an attempt to justify S. 457, is unclear.

AHPA urges the committee to read the NAS report, and to understand that the principal rationale behind S. 457 does not withstand analysis. The Wild Horse Act already gives the Interior Department very broad discretion to remove horses and burros. The adopt-a-horse program is now capable of handling those that are removed. Sale for slaughter is an abhorrence to my society, American Horse Protection Association, Humane Society of the United States, and every other humane group in the country. It should not be enacted.

Thank you.

[The prepared statements of Mr. Little follows:]

ORAL STATEMENT OF THOMAS LITTLE
on Behalf of the
AMERICAN HORSE PROTECTION ASSOCIATION, INC.
on S.457, A BILL TO AMEND THE
WILD, FREE-ROAMING HORSES AND BURROS ACT

Rock Springs, Wyoming
March 19, 1983

Mr. Chairman and Members of the Committee:

My name is Thomas Little. I am the Director of the Haven Humane Society, Redding, California, and the California Representative of the American Horse Protection Association, Inc. I appreciate the opportunity to appear today to express the views of both organizations on S.457.

I have submitted for the record a copy of testimony offered by AHPA last August at hearings conducted by Senator James McClure on similar legislation, S.2183. The Association's views on the legislation, especially its opposition to the provision allowing the sale of unadopted animals for slaughter, have not changed. However, the written statement does not reflect two recent developments that I would like to call to Committee's attention.

First, on March 4 the Interior Department lowered its adoption fee for wild horses from $200 to $125. This decision came about as a result of litigation brought by AHPA; it was clear that the $200 fee had all but destroyed the adoption program. AHPA expects that the lower fee will encourage a much higher level of adoptions and will solve the problem of large numbers of unadopted animals. Therefore, we believe that one of the rationales for S.457 will disappear.

The second development is the publication of the National Academy of Sciences final report on wild horses and burros. The basic premise behind S.457 is that huge numbers of wild horses and burros must be removed to protect the range -- numbers so large that even a healthy adoption program could not handle the animals. The Interior Department claimed in January 1982 that nearly 32,000 animals were "excess" -- over 55 percent of the inventoried population. AHPA believes that these massive removals aren't necessary. Let me give you just one example of how horses are being removed in the name of rangeland protection.

In the Riley planning area in Oregon, BLM plans to remove 63 percent of the wild horse population. At the same time, livestock allocations will be immediately increased by 27 percent. In the short term, livestock will receive 73,500

AUMs, wild horses only 2,364. Wildlife will get only 2,340 AUMs. In the long term, livestock will receive 94,500 AUMS. Wild horse and wildlife allocations will remain the same.

The real reason for S.457, as the Riley grazing plan demonstrates, is to facilitate huge removals of wild horses and burros for the benefit of the livestock industry. This is a political choice, not a decision compelled by resource conditions. .The NAS report makes clear that overgrazed conditions -- if they exist -- cannot easily be blamed on the existence of a particular number of wild horses. Nor will the removal of large numbers of wild horses necessarily promise a solution to poor range conditions. The report demonstrates that competition between wild horses and livestock or wildlife is a much more complex concept than the Interior Department would have us believe. Actual competition with wildlife -- a rationale often used to justify wild horse removals -- is unusual.

The NAS report suggests that the identification of 32,000 wild horses and burros nationwide as "excess" is inconsistent with the type of study necessary to understand the relationships among grazing animals and local conditions. To the extent that the Interior Department has labeled 32,000 horses and burros as "excess" in an attempt to justify S.457, the justification is false.

AHPA urges the Committee to read the NAS report, and to understand that the principal rationale behind S.457 does not withstand analysis. The Wild Horse Act already gives the Interior Department very broad discretion to remove horses and burros. The Adopt-a-Horse program is now capable of handling those that are removed. Sale for slaughter is an abhorrence to my Society, AHPA, H.S.U.S., and every other humane group in the country. It should not be enacted.

Thank you.

STATEMENT OF THE
AMERICAN HORSE PROTECTION ASSOCIATION, INC.
CONCERNING S.2183, A BILL TO AMEND THE
WILD, FREE-ROAMING HORSES AND BURROS ACT
before the
SENATE COMMITTEE on ENERGY AND NATURAL RESOURCES
Subcommittee on Public Lands and Reserved Water

Boise, Idaho
August 7, 1982

The American Horse Protection Association, Inc. appreciates this opportunity to offer its views on S.2183, a bill to amend the Wild, Free-Roaming Horses and Burros Act. AHPA believes that S.2183 will undermine the Adopt-a-Horse program, which already has been seriously damaged by the imposition of excessive adoption fees. Ultimately, S.2183 will destroy the Wild Horse Act. Accordingly, AHPA urges that the Subcommittee not act favorably on S.2183.

The principal amendment incorporated in S.2183 is the provision authorizing the Secretaries of Agriculture and the Interior to sell "excess" wild horses and burros for which there is no adoption demand. This provision has been publicized as an innocuous, essentially technical amendment that is intended to give the Secretaries another "management tool," so that they will have more "flexibility" in dealing with the problem of "excess" wild horses. Frequently, it is justified by describing it as a reasonable alternative to the destruction of "excess" unadopted horses, and as a means to raise revenue for programs to protect the horses remaining on the range.

This rationale is appealing, but is not valid. It assumes that under normal circumstances there will be large numbers of unadoptable wild horses and burros that would presently be destroyed, but that could be sold. The data from BLM's Adopt-a-Horse program, however, disproves this assumption. In Fiscal Year 1981 about 11,350 wild horses and burros were removed from the public lands. About 750 were destroyed as old, sick or lame, or died during roundups; 10,150 wild horses and burros were adopted by year-end. Only 35 were destroyed as unadoptable.

This data attests to the considerable success of the Adopt-a-Horse program. It has worked well to place about 39,000 "excess" wild horses and burros in humane homes. Although the program has experienced problems, including fraud and illegal sales by some individuals who have adopted wild horses, it cannot by any stretch of the imagination be called a failure.

It is threatened with failure, however, by the Administration's decision to raise the adoption fees to $200 per horse and $75 per burro, plus the costs of transportation to the adoption site. It now costs about $220-230 to adopt a horse in most Western states, and $275 or more in the Eastern states. In many areas, this is more than a prospective adopter would have to pay for a halter-broken domestic horse. To put the price in perspective, especially in the West, $200 is what a livestock operator pays for the priviledge of grazing 107 cattle or 535 sheep on the public lands for a month. Clearly, there is little financial incentive for most people to adopt a wild horse today.

This is not an unexpected situation. BLM estimated, when it proposed raising the adoption fees, that only 5,000 of the 11,000 wild horses and burros it expected to remove during FY 1982 would be adopted. BLM's experience with the new fees suggest that its estimate was accurate. During the first three months of the current fiscal year (October - December 1981), before the fees were raised, nearly 3,000 wild horses and burros were adopted. During the next three months, after the fee increase went into effect, only 1,025 were adopted -- a decline of about 65 percent. By mid-July, about 2,200 had been adopted since the first of the year. Projecting the first six months of 1982 over a full year (even allowing for the fact that the 1981-1982 winter was severe, which probably hampered adoption efforts), BLM's estimate is very close.

The meaning of this is clear: BLM has, by its own action, created the need for S.2183. It has created a pool of 6,000 wild horses and burros each year that will not be adopted, and which under current law must be destroyed.

There can be no doubt that potential adopters of wild horses are price conscious. AHPA's conversations with managers of adoption centers and BLM field personnel have convinced the Association that a $200+ adoption fee is a significant stumbling block to encouraging adoptions. To allow such high fees to continue ultimately will destroy the adoption program.

Regrettably, S.2183 will only accelerate the destruction of the program. BLM's analysis of the sale authority acknowleges that sales will be made at or near the slaughterhouse price for horseflesh -- a price that is well below the $200+ adoption fee in most areas of the country. Selling the animals, therefore, will undercut adoption efforts even further.

So, too, will Section 2(2) of the bill, which reduces the number of animals that an individual may adopt each year from four to two. This provision, it is argued, will discourage the potential for abuse that is present when a number of related family members each adopt four animals, perhaps planning to dispose of them illegally. AHPA believes that this abuse can be better controlled by defining, through appropriate regulations, the term "individuals" to include all closely related family members. Reducing the number of animals that a legitimate, qualified adopter may receive only exacerbates the problem of unadopted horses and burros.

The unpleasant fact is that if S.2183 is enacted, many thousands of wild horses and burros will be sold for slaughter or to rodeos as bucking stock. BLM and the proponents of the bill prefer not to address that fact squarely, but it is inescapable. A large pool of unadopted wild horses, for sale at slaughterhouse prices, is a bonanza for large-scale commercial buyers. The trip from the BLM corral to the packing plant will be the fate of most of the "unadoptable" animals.

This fate cannot be candy-coated by assuring, as Section 2(3)(A) of the bill does, that the animals will be "subject to all State and local humane laws, and all Federal humane laws" other than the Wild Horse Act. There are no federal humane laws that deal effectively with horse-related problems -- particularly the problem of humane transportation of equines to slaughter. Extraordinarily cruel practices are common to such transportation, and it is a problem that State and local authorities in most parts of the country cannot police. In some cases, their laws and ordinances don't address the problems of cruelty to horses or other livestock. More frequently, the limited numbers of enforcement personnel are not trained to investigate and correct abuses to large animals such as horses. In reality, there is relatively little protection afforded to horses under existing humane laws.

Nor does the prospect of additional revenues justify the sale provision. Selling wild horses and burros has been touted as a way to generate revenues for range and habitat improvements, research, and other programs to benefit the animals. In fact, even if selling "unadoptable" animals could increase BLM's revenues, they would not totally offset the Bureau's removal costs. There would be no surplus revenues to devote to other programs; it would simply cost BLM less to run its wild horse program. Given the Administration's committment to cut discretionary domestic spending even further than it has already, any increases in revenues will surely be matched by cuts in appropriations. Describing the sale authority as a way to help the animals remaining on the range is a cruel hoax.

BLM understandably wants the Adopt-a-Horse program to be cost-effective; one way to reduce costs is to recoup as much of the roundup and adoption expenses as possible. But BLM has chosen to examine the problem from the wrong side. Rather than trying to recover a particular proportion of the cost of adopting an animal, BLM should try to maximize total revenues from the adoption program in a manner consistent with the Wild Horse Act. To maximize revenues, and to insure that wild horses and burros removed from the range receive humane homes, BLM should encourage adoptions at a reasonable fee -- perhaps $100-125.

AHPA believes that this price will encourage a high level of adoptions -- nearly all of the animals available -- and will generate virtually the same total revenues as would the combination of a $200 adoption fee and the sale of unadopted animals. It will eliminate the problem of a large pool of unadopted animals, and -- more to the point -- will fulfill the purposes of the Act.

Another area that merits further exploration is cutting costs within the adoption program. Some progress has been made by BLM to reduce costs: the average net cost of rounding up and adopting a wild horse fell from $476 in FY 1980 to $400 in FY 1981, even though the average adoption fee also dropped slightly. Humane associations and wild horse groups have met with BLM representatives to try to identify other areas where cost savings may be achieved. In particular, improving the efficiency of the process by which adopters are matched with available animals is an important goal; about two-thirds of current adoption costs are for caring for the animals until they are adopted, and reducing the time between roundup and adoption will cut costs substantially.

Furthermore, on July 26 the Bureau published a proposed regulation dealing with the adoption fee issue. The regulation included a proposal to charge a $25.00 non-refundable application fee at the time a person files an adoption request, which is intended to raise revenues and to discourage frivolous applicants. AHPA believes that the public comments generated by the proposed regulation will made a very positive contribution on the question of maximizing revenues and cutting costs.

AHPA's position in this matter should not be mistaken. AHPA believes that adopters should pay a fee for their animals, both as an indication of their financial responsibility and to help cover the costs of roundup and removal. But AHPA is convinced that a $200 fee is too high, and that S.2183 will only exaggerate the forces discouraging adoption. Revenues can be maximized within the context of a sound adoption program, and they almost certainly will be as high as those anticipated if BLM receives the authority to sell unadopted animals.

In the final analysis, AHPA cannot support a proposal that will result in the slaughter of thousands of wild horses and burros each year. The Wild Horse Act was passed to eliminate that brutal practice. Enacting S.2183 will return this Nation to the bad old days of mustanging, but with the Federal Government performing the odious task of removing and marketing the animals.

Another element in S.2183 that AHPA finds very disturbing is its reference to sustaining a "healthy wild free-roaming horse and burro population base." This clause is proposed as an addition to the recitation of Congressional findings, ostensibly to guarantee the future existence of wild horses and burros. But the existence is already guaranteed by the existing Congressional command that the animals be considered as an "integral part of the natural system of the public lands," and that they be protected and managed as "components of the public lands."

The phrase "healthy ... population base" is one with enormous potential for mischief. Based on AHPA's review over the past five years of wild horse management plans and grazing environmental statements in which similar language is used, the Association is convinced that the phrase is used by BLM to mean the smallest population capable of sustaining and reproducing itself. In other words, a herd size just large enough to avoid extinction. Conceivably, the phrase can be used to justify the total elimination of horses in some areas where they are presently found as long as a "population base" exists in other areas that will prevent the species from disappearing altogether.

This is not what the Act intended, nor what BLM has interpreted its obligations to be. The phrase opens the door for BLM to manage the animals at the smallest possible population level rather than as a legitimate component of the public lands entitled to equal treatment in the multiple-use system.

In this regard, AHPA is aware that S.2183 is at least in part justified on the grounds that BLM says it must reduce the current wild horse and burro population of about 57,000 to about 25,000. This number (perhaps not coincidentally) was the approximate wild horse population existing in 1971, when the Wild Horse Act was passed.*/ BLM is, in effect, proposing to reduce the wild horse and burro population to the level that it reached as a result of mustanging -- in short, the level that commercial interests found most convenient. The Act did not intend that result.

Furthermore, when AHPA showed BLM's estimated management levels of 25,000 wild horses and burros to Dr. Frederick Wagner, the Chairman of the Committee on Wild Free-Roaming Horses and Burros appointed by the National Academy of Sciences pursuant to Section 3(b)(3) of the Act, he expressed doubt that BLM could make accurate estimates about proper management levels given the inadequacy of its data about wild horses. The need for better data about wild horses and burros and their relationships to range resources is clear. NAS studies conducted so far suggest that the relationships are far more complex than BLM currently believes, and that allocating range resources -- and assessing range impacts -- is not simply a process of dividing up the available "pie" of forage among range users.

For this reason, AHPA believes that the fundamental changes proposed by S.2183 are wholly inappropriate and should not be considered until the Bureau has adequate scientific data demonstrating the need for such far-reaching amendments. The issue should be deferred at least until January of next year, when the NAS is due to file its report with Congress. At the same time, Congress should restore funding to the NAS studies so that decisions concerning wild horses and burros are made in a rational, unbiased manner.

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*/ BLM and Forest Service estimates originally placed the 1971 population at about 17,000. However, counts made since then, and evaluations of the censusing techniques used in the early 1970s, have resulted in a consensus that the 17,000 figure was significantly below the actual population.

Finally, the Subcommittee should understand that some of the representations made concerning the support that S.2183 has in the animal welfare and environmental communities are inaccurate. One list of "supporters" of the bill circulated earlier this year misrepresented the positions of the American Humane Assocation, Concern, Inc., the Nature Conservancy, the North American Wildlife Federation, the Wilderness Society, the Wildlife Society and the World Wildlife Fund. The National Audubon Society prefers to take no action to amend the Act until after the NAS studies are completed. The Toiyabe Chapter of the Sierra Club, which is based in Nevada, is opposed to the bill.

The proper protection and management of wild horses and burros admittedly poses difficult problems that are in need of answers. But it is clear that the Adopt-a-Horse program has worked well to provide homes for animals removed from the range, and can continue to do so. S.2183 will only hasten its destruction, and for that reason it should not be enacted.

Senator WALLOP. Mr. Little, one of the problems that I have understanding the feeling that you have about it, but the act directs that those horses which are excess, if they cannot be adopted, be destroyed. They are slaughtered one way or another. I don't think this proposal we have here leads to more slaughter rather than less.

Mr. LITTLE. One of the great problems with the wild horse is that its transportation to the slaughter house, the methodology yet exists that would carry them there humanely. There's a great many people out there in the Western States rubbing their lands to allow them to go to slaughter because they would like to be involved in the private retrieval of these animals. At the Memorial Packing Plant in Redmond, Oreg., at the present time I understand horses are selling for 55 cents on the hoof. This is for human consumption. These animals won't go for dogfood.

Senator WALLOP. Yeah, but I think that may still overstate the case, and I ask you to address what I stated, that the animals that are surplus now are directed by the act, the existing law——

Mr. LITTLE. Yes; I understand.

Senator WALLOP [continuing]. To be destroyed if they cannot be adopted. This provides one extra tool between them and slaughter. That does not necessarily lead to the slaughter of these animals but a more efficient means of disposing of them from Government hands. Some of these horses, as you know, have been in adoption centers for over a year. Some are not adoptable and clearly I think everybody would accept that.

Mr. LITTLE. I understand.

Senator WALLOP. And the other problem that I have with both of your statements is that it does not come to grips with the vastly expanded horse population that takes place now, that exists now, and that did not exist in 1971 when people generally believed that they were, they were more or less stabilizing the wild horse population of the United States. It does not anticipate this great expansion.

Dr. Zaidlicz?

Dr. ZAIDLICZ. I think the humane community has offered numerous times to come to grips with the problem. I think the almighty dollar is where the answer is. The supporters behind this bill see the profits that can be made from the slaughter of horses.

The wool growers, the cattle growers; they see the dollars that their animals are, you know, converting off of public lands. The politicians see their supporters and everybody seems to forget the horse. And the humane community hasn't done that, and I think if the government were to approach the problem in other than their bureaucratic fashion and sit down and look with those people I think you might find some answers.

Senator WALLOP. Let me just take personal exception. I have not forgotten the horse. If I had forgotten the horse the thing I would be doing would be hammering on the BLM to do what it's supposed to do and that's maintain numbers and destroy those that can't be adopted.

Dr. ZAIDLICZ. I don't understand why that's not being done.

Senator WALLOP. I think you know why its not being done. You and others would object ferociously if the Government of the United States engaged in a large-scale slaughter program.

Dr. ZAIDLICZ. I think that's what they're trying to do.

Senator WALLOP. No; I think that's—on the contrary, what they're trying to do is find a management tool. At some moment in time the lawsuit which has been filed here and in other places, those are going to be dealt with, and I guess we cannot speculate which way the're going to be dealt with, but if at some moment in time the Government is told to manage these horses pretty much in, under the concept that it was originally designed in that bill there are going to be large numbers of horses that are slaughtered, disposed of in the most humane way, but disposed of—killed—by the Federal Government.

We have—you haven't answered my question earlier, and that is what do we do? When we passed the legislation in 1971 everybody felt that they were doing something to stabilize the wild horse population. They did not anticipate an explosion population situation.

Dr. ZAIDLICZ. What did the Bureau of Land Management do to stabilize that population other than try to put them all out through the adoption process? What actual management techniques? The Bureau of Land Management——

Senator WALLOP. What would you have them do?

Dr. ZAIDLICZ. A meeting we had a short time ago would make groups with the humane groups and the Bureau of Land Management, they said they had never had an effective management program.

Senator WALLOP. But what would you have them do?

Dr. ZAIDLICZ. There's a lot of techniques and things that should be developed and looked into.

Senator WALLOP. But what? Can you give me some——

Dr. ZAIDLICZ. I can give you dozens of them. You know, I can give you different population controls, whether they be, you know, chemical sterilants, male and female animal——

Senator WALLOP. But they come directly to grips with that in the NAS study, and they reject it.

Dr. ZAIDLICZ. They don't totally reject it, and I don't believe that Dr. Kirpatrick's studies up in eastern Montana College were really looked at very seriously. I think the way these things are looked at is in the light of what sort of thing—of how you want to look at them. You know, I really, you know, everything looks good, it depends who the audience is. I don't think the humane audience would buy all this argument, but I think there are answers and I don't think they've been fairly looked at.

Senator WALLOP. And I understand and appreciate the approach that you're bringing to us, but I really haven't got much choice but to read the studies that were put in place and authorized by the original legislation, and its pretty clear to me that they say that that won't work and they won't self limit——

Dr. ZAIDLICZ. The original act wasn't funded for all of the things that study—that were supposed to be done. The NAS tells you in their results that not enough has been studied. They've got a very superficial sort of a document there and all it does is answer things like very superficially. The proper funding hasn't been done and the proper studies haven't been done, and they'll say that right in their study.

Senator WALLOP. A study that has taken some considerable amount of time and cost a fair amount of money, and certainly I don't think you'd quarrel with the basic makeup of the panel, they had people from all over America, from every kind of persuasion, and from varied backgrounds.

One—and I don't mean to be flippant, but one thing they found in finding No. 11 is that horses have been found to be primarily grazing animals. Talking about bureaucratic institutions, I think maybe that's the kind of same problem all of us face with expensive studies, but going on to that, they really just do come to grips with chemical sterilization and other management techniques, and as I read it, its pretty clear——

Dr. ZAIDLICZ. How much investigation has been done? I'm not saying that's the answer, there are alternatives, there are things that should be looked at and——

Senator WALLOP. What do we do in the meantime with this population explosion that is taking place? Do you agree with me, we generally did not anticipate that we'd move from the populations of 1971 to the kinds of things that we have now?

Dr. ZAIDLICZ. Well, I agree that you didn't anticipate it because it didn't deal with it, but I don't think the quick answer is putting them on an auction block. That's just our position.

Senator WALLOP. Yes; I understand that and I appreciate it.

Dr. ZAIDLICZ. The problem exists but the point is how to deal with it.

Senator WALLOP. I understand and I like some of the ways you approached it in the testimony, but one of the things that we're faced with is, you know, the standard kind of statement that I believe everybody comes up with, is the way to do nothing is to have a study done. I mean, you study and study and that study is inadequate for this reason, and, you know, we always have the same problem. And I suspect one of the things you say about bureaucratic procedures is inherent in studies as well.

Dr. ZAIDLICZ. I agree that studies can be meaningless but I don't think the real problem has been dealt with and really looked at hard enough.

Senator WALLOP. Well, I appreciate both your testimonies here and Mr. Borzea has submitted a statement to us for the record. His wife was ill and he may not be able to be here but rest assured his statement will be part of the record along with yours. Thank you very much.

Dr. ZAIDLICZ. Thank you.

[The prepared statement of Mr. Borzea follows:]

INTERNATIONAL SOCIETY
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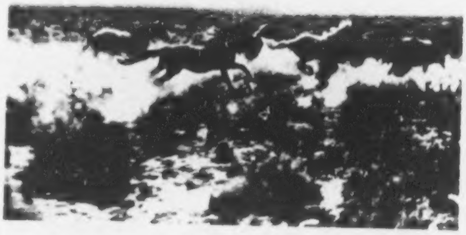

March 16, 1983

Senator Malcolm Wallop
Public Lands and Reserved Water Sub-committee
Rock Springs, Wyoming

My name is John C. Borzea. I would like to thank Senator Malcolm Wallop and members of the Senate Public Lands and Reserved Water Sub-committee for the opportunity to make this statement.

I am the Executive Vice-President of the International Society for the Protection of Mustangs and Burros. Mrs. Helen Reilly, President, has asked me to represent the Society at this hearing. Will you please make this statement a part of the hearing record.

We are wholeheartedly in support of the "Adopt a Horse Program" and believe that the program would have allowed many more horses to be adopted had the Secretary of Interior not interferred and greatly increased the adoption fee. This increase was a mistake by itself let alone to have occured at a time when this country was in and is still in a serious depression. Gentlemen, there are many people that do not have two hundred dollars to even feed their families!

At a time in the future when the wild horses are reduced to the numbers agreed to on public lands and when the economy is back to normal, then and only then, should the adoption fee be increased to support the program.

We are opposed to Public Law 92-195 being amended. Thus, we also oppose S457. Some of the amendments might clean up the law so to speak but when you open up a law such as this one there is no telling what the final result will be.

We would favor the appointment of an advisory board to advise the B.L.M. and the Forest Service on matters pertaining to this act and the management of wild horses and burros.

On page 5, beginning on line 12, we are bitterly opposed to this amendment because it would allow for the wholesale slaughter of wild horses. Gentlemen, we had these same slaughter houses here in Sweetwater County in the early '60's. This type of management places emphasis on dollar values rather than the humane management of animals. We can remember the many horses shot with buckshot to turn them when they were being gathered. We also remember the bloody mess in the corrals with buckshot injuries in the face and rump areas of many horses. And the many colts that were left to die on the desert and in the corral area when their mother was taken to be slaughtered. Yes, our slaughter facilities were five miles west of here. I believe they would rather we call the facilities a processing plant, but none the less, to us it meant dead horses. This amendment also refers to state and local humane and sanitation laws. I question how many states have no such laws.

I would like to get back to the wild horse roundups and adoptions for the years of 1980,'81 and '82. In 1980, 1717 horses were gathered in Wyo., 34 horses were branded or claimed and 376 came from Mont. and Colo. for a total of 2093 horses. The number adopted was 1779. There are 280 horses that were left. Some of which, I'm sure were crippled, sick or died. In 1981, 2881 horses were gathered in Wyo., 247 from Colo. and Mont., 718 horses were branded or claimed and 2271 horses were adopted. These figures leave 15 horses that are not accounted for. I forgot to mention that 24 were returned to the range. In 1982, 2649 horses were gathered in Wyo., 25 horses from other sources for a total of 2674 horses. 326 horses were branded or claimed and 2076 horses were adopted. 220 horses are left as of Dec. 1982 and the B.L.M. states that at least fifty of these horses will be adopted in the next 60 days with the lower adoption fee.

In conclusion, 6126 horses were adopted during the past three years. These are horses that were gathered from public and private lands here in Wyo. Ten percent of this number came from surrounding states. These figures tell us that the adoption program is working. We don't need legislation to open the slaughter season on wild horses.

Senator Wallop, I thank you for allowing me the opportunity to make this statement in behalf of the International Society for the Protection of Mustangs and Burros.

John C. Borzea

John C. Borzea
Executive Vice-President

Senator WALLOP. The third panel is Mr. Jack Corbett of Rawlins, Route Box 82, Lander; Dr. John Radosevich, Rock Springs; Mr. Demar Dahl of the Nevada Cattleman's Association, Elko, Nev.; Mr. Stan Murdock of Pinedale and I'll tell you what, gentlemen, can I do one thing, because we've got a young political science class from Green River that was scheduled to be part of your panel but they kind of need to get back to school and if I could ask them just to come up. They'll be represented by Mr. Danny Ruiz. Then we'll have you directly after that.

Danny, you can bring your classmates up with you if you wish. I gave you an excuse that you don't deserve. How often do you go to school in Green River on Saturday?

Let me tell you, I appreciate your being here anyway and I'm sure the young gentlemen on the panel will understand why I wish to have your classmates up here with you.

Please proceed.

STATEMENT OF DANNY RUIZ, ON BEHALF OF THE GREEN RIVER HIGH SCHOOL POLITICAL SCIENCE CLASS

Mr. RUIZ. The proposed legislation (Senate file 457) concerning the protection of wild horses and burros should be supported and passed. The bill provides for the protection of these animals in numbers that the Federal rangelands can adequately feed and nurture. This bill further provides protection by forbidding the wholesale destruction, sale or purchase of the animals, and with a reasonable expenditure by the Government.

Protection of the horses and burros will help preserve and maintain the wildlife that is native to our State. Many of these wild horses and burros could be used for private use, ownership, and enjoyment.

The limiting of wild horses and burros and the provision for their removal will do two things. It will prevent the overgrazing and deterioration of our grazing land, helping to assure the availability of feed and habitat for other wildlife. It will also remove the sick and diseased from the healthy and will aid in the prevention of contagious diseases.

Although this legislation is basically adequate, perhaps a section providing for relocation, both within the State and between States, of wild horses and burros is needed in the proposed legislation.

The program would be beneficial to the wildlife but must be done in an economical and efficient manner. The funds and revenue of the Federal Government must provide for many other services and functions. The proposed legislation, by limiting the number of animals and through the efforts of certain adoptive programs, will assure the animals the best protection possible for the amount of dollars spent.

The words are the words of my classmates and myself. We thank you for this opportunity.

Senator WALLOP. I want to thank you for coming down here and bringing your classmates with you. Part of why this is taking place is when we held a hearing last fall in Evanston in the high school and there were no high school students of any kind present in the hearing, and it just seemed such a big disappointment to me and a missed opportunity for students to see kind of why—how our Government works, and what we do in the hearing process and what its for.

Now, what we did is on—through Kate Dupont and my office here in Rock Springs contaced your teacher and asked if you would like to be present and make a statement and I hope you will agree with me that we did not suggest what that statement would be, that you researched it yourselves and as a class and came to your own conclusion. Is that correct?

Mr. RUIZ. Yes, sir. It is.

Senator WALLOP. Well, I think that it's really useful to us to have a group of students take the time to study an issue. You've read the bill, you've read some of the comments, some of the letters of support, and some of the things in opposition before coming here. These horses occur in your home county and most of your home territory as well.

I think your statement expresses care and concern for the critters as a healthy wild living asset for this State, but in balance with the other interests that exist on the ranges, both wildlife interests and domestic interests.

Let me ask you this. While you were studying it was there a moment in there when you were in disagreement with each other? Can you describe kind of what was—sort of—How you resolved that because that ultimately is of some use to us as we take the face value of the statement which was made on your behalf.

Mr. RUIZ. We have about the same thing as we're having now; each student looked over the proposal and gave their ideas and had their chance to, you know, say their opinions and after that we went over it, you know, bounced ideas off each other's heads and came up with this prepared speech.

Senator WALLOP. Is there anybody here that would care to put his own spin on the ball, you know, that has a little different feeling that basically supports it but would rather say something else? You have that opportunity. You're certainly welcome to it.

Ms. DUNCAN. At first I thought the bill—I didn't really understand it at first. I thought it was barbaric for all these people to go slaughter these animals, and—but then we all looked together at the situation and it would be barbaric for them to die, you know, overpopulate and overgraze the lands.

Senator WALLOP. Let me just again thank you very much for coming down here. You're welcome to stay and listen to the variety of views that will be put forth because we haven't heard them all, I can guarantee you. Thank you so much for coming down.

Mr. RUIZ. Thank you.

Senator WALLOP. Now, if we could have Jack Corbett, Dr. Radosevich, Mr. Dahl, and Stan Murdock.

Mr. MURDOCK. Senator, could I reserve the right to speak later if there's something that doesn't get covered? It appears we're going to have a time problem and it may get a little redundant anyway.

Senator WALLOP. Sure can. This, again, will be under the same premise.

STATEMENT OF DR. JOHN E. RADOSEVICH, ROCK SPRINGS, WYO.

Dr. **Radosevich**. Senator Wallop, Representative Cheney, who has since left, members of the Wild Horse Advisory Board and other interested persons. My name is John E. Radosevich. I am a veterinarian, a native of Rock Springs and an active participator in the processing of the wild horses at the BLM corrals, here in Rock Springs, Wyo.

With the attempt to amend the 1971 Wild Horse Act I feel that it is now time to stop acting as if the horse is a special creature of the west, take it out of the sacred cow category that it now enjoys and start letting it pay for its right to share in the environment the same as all other animals do.

I support S. 457, but in section 2(c) I would add that some unadoptable horses, both mares and stallions, be neutered and returned to the range.

Under section 2(c) I would change that to say that the person that buys a horse be given clear title to the horse as soon as his check clears the bank.

My reasons for the changes are thus:

Horses that are no longer capable of reproduction would still be pretty to look at but as the neutering process continued through the years, through normal attrition and adoption the numbers would result in a manageable amount that would reduce the total operating cost of the program; and I feel that by giving a person title to the horse, the person would feel more that it was his and that if he happened to get a bad one, and there are some, he could recoup his losses and start over. Also, I feel if I as a horse I would rather be in a bucking string than in a can of dog food, and this false thought of commercial exploitation should be changed also.

Thank you.

Senator **Wallop**. Thank you, John.

Mr. Corbett.

STATEMENT OF JOHN G. CORBETT, LANDER, WYO.

Mr. **Corbett**. Yes, sir. Thank you, Senator Wallop. My presentation will be very brief. Without any question there is an overpopulation of wild horses on the western range, and therein lies the need for the bill S. 457, which is before the committee today.

It is our feeling that these horses should be managed in such a manner as to be held to herd numbers close to which existed in 1971, and in balance with multiple-use concepts in each particular area. In order for this to be done there must be a provision for excess, unadoptable horses to be sold. This must be done in a minimum timeframe so that moneys which could be used for control are not used up in maintaining these undesirable horses.

It is my opinion that permittees in each area have the expertise to help to advise and to propose, along with wildlife agencies, qualified range scientists and other professionals, recommendations to the Secretary of the Interior.

It is my feeling that section 8, paragraph (b) should be deleted from the bill on the premise that existing laws are adequate to handle any unlawful acts which may occur concerning wild horses or burros. Law officers have been professionally trained and have the experience to enforce these laws which a designated employee may not have. Then there is the added expense of maintaining an employee who may have this responsibility.

I would like to see a change in section 10 to read:

> Nothing in this act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of public lands where they did not exist prior to 1971.

Because of the overpopulation of wild horses in the areas adjacent to the ranchers, some ranchers have had to alter their methods of operation; for example, wild stallions have come to such a close proximity to our horse pasture that we have not been able to let our rather expensive stallion use this pasture. Another example, during winter months herds of wild horses have drifted from their traditional range and moved in close to ranch pastures where they reach over fences, damaging them in the process, in order to reach forage on the inside of the pastures.

Also because of overgrazing by herds of wild horses, ranchers have had to gather domestic livestock and remove them from public lands as much as 6 weeks before the end of the grazing period. This at considerable expense and time, to say nothing of not being able to use the forage for which they have already paid.

I would like to have it known that I am, as most ranchers are, a conservationist and environmentalist. And also that we are horse lovers, evidence the several thousand dollars worth of horses with which we do our daily work. We have never advocated removing all wild horses. Also, let it be known that I love my family, to which I am dedicated to making a living for in a way which has been a traditional for 100 years in this country.

In closing let me say that I favor the passage of this bill which I personally feel is long past due. Thank you.

Senator **Wallop**. Thank you Jack. Is Mr. Dahl here? Demar Dahl? Apparently he is not. John Radosevich, what means of acceptable sterilization would be available to the land managers for both stallions and mares?

Dr. **Radosevich**. I think with modern veterinary techniques castration of stallions and mares?

Dr. **Radosevich**. I think with modern veterinary techniques castration of stallions, which has also been fairly routine. With new techniques now available to us, new anesthetics, new antibiotics, better surgical techniques, the spaying of mares is also possible.

Senator **Wallop**. It would be spaying process. Have you talked with anybody like John Borzea? I mean when they were putting together these groups. I just wonder——

Dr. **Radosevich**. No.

Senator **Wallop** [continuing]. What they find acceptable.

Dr. **Radosevich**. In this part you talk about that some unadopted horses, both mares and stallions, being neutered and returned to the range. Any idea how we would come to numbers on that?

Dr. **Radosevich**. Not really, and it would be something that would have to be figured out, but of course the place to start would be to start on the older unadoptable horses, and that doesn't say that you would have to restrict that to strictly to healthy horses because coming through the corrals there's horses that have had their knees broke, walked on a club foot, so to speak. These horses don't necessarily have to be euthanized. They are in good shape, they walk with a limp but so what? Some of us do. Those could be neutered and returned to the range. Young horses could be neutered but unfortunately those are the animals that are most easily given away. It would have to be set up on a percentage according to age, in my opinion, and go from there. Put some young ones back out on the range, make it look like a natural herd keeping in mind that there are still going to be reproductive animals out there, and if we want 17 percent growth every year, I'm pretty sure that we could have that many animals capable of giving that many adoptable horses.

Senator WALLOP. Yes, I think there's going to be—something to be said for that, and I clearly agree with you both that something has to be done about transferring title in a much more efficient way. I think one of the problems we have—one of the problems they have is the original legislation which was so fearful of what, and so mistrusting of what an individual might do with one horse that they kind of went overboard.

Dr. RADOSEVICH. Really, and to have a compliance officer hired to go and look at every horse is just totally unreasonable.

Senator WALLOP. And expensive.

Dr. RADOSEVICH. And very expensive.

Senator WALLOP. OK, well, I appreciate both of you and Stan, if you want to comment later on you can do that. What I suggest now is we take a half-hour lunch break and return to the hearing at—Well, let's say in 45 minutes, 1 p.m.

[Whereupon the hearing was recessed at 12:15 p.m.]

AFTERNOON SESSION

Senator WALLOP. Calling the subcommittee back to order and we will begin with panel four, but before we do, I have a key and a passkey of some sort. It was found out in the parking lot that somebody will surely be missing, and we'll have it up here on the table with the statements. If anybody is missing it, and I'll try to remember—What I'll do is—Anybody in here now recognize it? I'll try again after the next panel.

The next panel is Mr. Sherman Mast, the Humane Federation of Wyoming, Rock Springs, Wyo.; Ms. Mary Ball, president of the Wild Horse "Yes Group", Rock Springs, Wyo.; Mr. Dennis J. White of the American Humane Association, Denver, Colo.; and Mr. Ted Crail of Sacramento, Calif.

Mr. Mast, why don't you proceed?

STATEMENT OF SHERMAN MAST, PRESIDENT, HUMANE FEDERATION OF WYOMING

Mr. MAST. Much has been said what we were going to say so we rewrote this so I hope I have it all right here. Senator Wallop, the University of Wyoming range management study on the Red Desert, which is comprised of 2 years, shows that wild horses can eat less select food than cattle and thrive.

The highest overlap between horses and cattle came in the sagebrush grass vegetation. There is a question on where the choice grazing is, private land or Federal land. If it involves Federal land the wild horse also has rights.

Figures are not consistent on wild horse population. Senator Wallop's Wyoming News states there are 7,000 in Wyoming. The BLM figure is 9,000 in Wyoming. The BLM removal is set at 6,000 animals. Then, according to Senator Wallop's figure, we will have 1,000 wild horses in Wyoming for the rest of the time.

During the year 1981 the Bureau of Land Management captured and placed 3,000 horses. Last year, 2,650 were captured. Today there are only 210 of these left.

The University of Wyoming Range Management recommends a long-range study instead of the 2-year program which uses only small pastures and small herds for a better scientific conclusion.

Our suggested solutions are, on the adoption of these animals more publicity, better monitoring, neutering of animals, and assistance from humane groups within the State. We have already contacted the Bureau of Land Management to assist them with our 14 associated societies both in placing animals and also monitoring these animals after they are adopted. If this doesn't work we would also propose an establishment of a Prairie National Park System funded in part through money from horse adoptions, less administrative costs, fewer roundups and Federal funds.

This preservation of a type of landscape which would support wild horses, buffalo, prairie dogs, coyotes, and other specific animals vital to our heritage. We oppose Government endorsed slaughter of these animals. Unadopted animals in healthy condition should be neutered or spayed and returned to the range. Those sick or with untreatable injury should be euthanized by a veterinarian. And I thank you.

[The prepared statement of Mr. Mast follows:]

STATEMENT OF SHERMAN MAST, PRESIDENT, HUMANE FEDERATION OF WYOMING

The University of Wyoming Range Management two-year study, released June 1982 pertaining to the Red Desert shows that wild horses can eat less select food than cattle and thrive. The highest overlap between horses and cattle came in the sagebrush-grass vegetation. There is question on where the choice grazing is—private land or federal. If it involves federal land—the wild horses have rights also.

Figures are not consistent on wild horses population. Senator Malcolm Wallop's Wyoming News states that there are 7,000 in Wyoming and the BLM figure is 9,000 in Wyoming. The BLM removal is set at 6,000 animals. Then according to the Wallop figure, we will have 1,000 wild horses in Wyoming and for all time, start the elimination of the herds.

During the year 1981 BLM captured and placed 3,000 horses. Last year 2,650 were captured. Today there are 210 left. Scarcely reason for putting them up for auction. The UW range management recommends a long range study instead of the present two-year program, which used small pastures and small herds, not qualified for a scientific conclusion.

Our suggested solutions include: (1) more publicity; (2) better monitoring; (3) neutering of animals; (4) assistance from humane groups within the state. The Humane Federation is in touch with BLM offering help through 14 affiliates within the state.

We also propose establishment of a Prairie National Park system, funded in part from horse adoption money, lesser administrative costs, fewer roundups and federal funds. This preservation of a type of landscape which supports wild horses, buffalo, prairie dogs, coyotes and other species is vital to our heritage.

We oppose government endorsed slaughter of these animals. Unadoptable animals in healthy condition should be neutered/spayed and returned to the range. Those sick or with untreatable injury should be humanely enthanized by a veterinarian.

Senator WALLOP. Thank you very much, Mr. Mast.

Ms. Ball.

STATEMENT OF MARY M. BALL, PRESIDENT, WILD HORSE "YES GROUP"

Ms. **Ball**. My name is Mary M. Ball, I live here north of Rock Springs and I've been interested in the welfare of the wild horses for some time.

I'm against any change in Public Law 92-195 as amended in 1978. S. 457 has some amendments that would destroy the intent of Public Law 92-195. On page 1, lines 9 and 10, and page 2, line 1, we read, "that a healthy wild and free-roaming horse and burro population base shall be maintained on the public lands." This replaces, "and to accomplish this they are to be considered in the area where presently found." This amendment would allow the wild free-romaing horses and burros to be enclaved into small areas or reserves. What a great shame.

Now, I've—this is—I've heard the previous testimony and this is contrary to what some of these other folks think. They think this amendment would be the other way, that it would let the horses go all over the public lands. It could be construed either way.

On page 6, lines 21 through 24, the wording is such that it will lead to the end of the adoption program. How high a fee will be placed on these animals to discourage commercial gain and still maintain an adoption program? Through personal experience I know that at the old adoption fee, which is practically nothing, there is no profit made by caring and feeding a horse for a year.

I have adopted so far eight of them. Now, to my knowledge the adoption fee has been lowered to $125, and I feel that this is more a fair fee than what the $200 was. Up until the time the $200 fee went into effect there were no surplus horses.

The most objectional amendment of all is the one on page 7, lines 1 through 17, concerning the sale at public auction. Most of the animals sold would go to the cannery which would defeat the original law, and place the U.S. Government in the role of the butcher. This would finish the adoption program as the larger, heavier animals would end up at the auctions as unadoptable, leaving only the young and scrubs. Let's be sensible, why take $125 for a horse when you can sell it for $300?

Also, the method of title transfer should not be changed as called for on page 7, lines 18 through 23. It is best that application is made with a vet check as at present. There's not that much trouble to it because I got title to all of mine. This is a good followup and not that much effort for the prospective owner.

Section 9, page 11, lines 15 and 16, steps way over bounds by the words, "and any laws pertaining to management of Federal Lands." This statement would open a wide encroachment on other laws besides Public Law 92-195. It should be deleted. I thank you for listening.

Senator **Wallop**. Thank you, Ms. Ball.

Mr. White.

STATEMENT OF DENNIS J. WHITE, DIRECTOR, ANIMAL PROTECTION DIVISION, AMERICAN HUMANE ASSOCIATION

Mr. **White**. Senator Wallop, members of the committee. My name is Dennis J. White, I am the director of the Animal Protection Division of the American Humane Association headquartered in Denver, Colo.

The association is the oldest national humane federation founded in 1877. We serve a network of 3,000 animal care and control agencies and have maintained a very positive relationship with other national humane and horse protection groups around the country. American Humane is very familiar with the issues of protection and management of the West's wild horse and burro population.

During the year 1976, many different activities surrounding the management of wild horses and burros were taking place. Among the highlighted were: The qualifications of individuals wishing to adopt wild horses and burros; the paperwork—application forms, the care of pamphlets, policy and procedures, compliance checking, et cetera; humane capture and transport; humane care and proper management of holding facilities at BLM sites; completion of environment impact statements; litigations by humane and horse protection groups; negotiations by humane and horse protection groups; cruelty to animals by adoptors; differences of opinion of wild horse herd management procedures in various BLM district offices; and the countless problem solving public meetings and hearings. The list can go on.

I will address some of the issues that the association was involved with to show you that there are ways to solve problems without taking such drastic actions as amending or rewriting the Wild Horse and Burro Act and selling these animals to slaughter.

When the Bureau of Land Management decided to develop the adopt-a-horse program I personally became involved representing the American Humane Association in the initial discussion stages of various policies and formats to be utilized by the BLM. I thought the result was positive. After the cobwebs were worked out, the current application system became operational without much difficulty.

The controversy of roundup procedures and humane capture techniques were questioned. American Humane was one of the first to observe capture procedures here in the Rock Springs district. Some of you at this hearing were involved and remember capturing only one or two horses the first day. Today, the Rock Springs crew is probably the most experienced in capturing wild horses, and I must commend that crew for their caring attitude about the horses they manage.

American Humane helped provide some horse sense advice by recommending complete camouflage of the traps so horses wouldn't challenge the fences or ram themselves into support posts. We recommended loading techniques by leveling the semitrailer entrance with the ground. There were several other recommendations that made the capture and transport of these animals safe and humane.

The issue of environmental impact statements justifying roundups became a concern of many humane groups, and horse protection groups, including ours. However, we chose not to litigate against the Department of the Interior or BLM, but we did attend countless hearings, went on the road to visit wild horse sites, observed the impact areas and listened to the experts in range management. While the litigation went on in the East, some BLM districts not affected by lawsuits continued to round up horses and the American Humane Association was involved.

During the years 1976 through 1978, massive numbers of horses were rounded up and sent to various parts of the country. American Humane continued to monitor roundups and assisted the BLM with compliance checking through our local humane affiliates. The adoption program was very liberal at the time, and, unfortunately, some individuals did not treat the horses humanely. I must state that those individuals accused of inhumane treatment were not checked by our contacts because we were not requested by the BLM to make such compliance checks. Those persons who were checked by us have not had problems with cruelty that I am aware of.

Because of quality control problems, the wild horse regulations were again amended to limit the number of horses and burros to be adopted and the wild horse status to be limited to 1 year. The fear was that many horses would be left standing in the BLM corrals, however, the fear did not prove to be true.

Because of better screening and interview techniques employed by the BLM, necessary compliance checking, by our organization was reduced immensely.

U.S. economic conditions and budget cuts caused the BLM to review the adoption policies and attempt to make the program more cost effective. In order to accomplish this, two meetings were held with input from a variety of resources, including humane groups, horse protection groups, individuals, and governmental spokespersons. The need to develop a plan was identified and several alternatives were discussed; such as, application fees, reduction of overhead, reduction of administrative costs, effective computer system, higher adoption fees, sale authority for slaughter, and sale of large numbers of horses to the highest bidder, et cetera.

Out of all this, the two biggest objections voiced by the humane groups were raising the adoption fees and sales authority.

The BLM raised the adoption fee anyway, which resulted in the lower adoption statistics which caused higher costs to maintain the horses in the BLM holding facilities. The animal welfare community voiced its objections to the $200 fees for wild horses and encouraged their membership to do the same.

The resulting public input had an impact and the adoption fees are now reduced to $125. We feel this is an acceptable figure and will assist in the cost effectiveness of the program.

Now, the objection to the sale authority is becoming an issue. It seems that the bureaucracy in Washington should learn from their past errors. Does the Government actually feel that sales authority will fractionally aid in the cost effectiveness of the adopt-a-horse program?

American Humane does not feel the impact of reduced adoption fees have hit those who, at one time, were interested in adopting wild horses. We are reasonably sure that horses will be adopted and the number of horses left standing will not be enough to warrant them to be slaughtered. There are alternatives. Other groups have testified that they can take the horses and adopt them through the private sector. There are always alternatives and we must explore them.

The American Humane Association's official position is to oppose S. 457 and encourage our membership and friends to write to their respresentatives in Washington and voice their opposition.

Thank you very much.

Senator WALLOP. Thank you, Mr. White. Is Mr. Crail here? His statement will be included in the record if he wishes to submit it.

I'd like to ask Mr. Mast if you were a part of the local humane groups that got together and signed the memorandum of understanding or agreement as to the population levels.

Mr. MAST. All I'm going by myself is what your Newsletter said, Senator, and verbal reports from the BLM on the number of horses that they have adopted.

Senator WALLOP. No; but my question is: Are you part of the group that signed the memorandum of agreement with the local——

Mr. MAST. No.

Senator WALLOP [continuing]. BLM?

Ms. BALL. I am, yes, I am.

Senator WALLOP. Does it make sense to you the numbers you have?

Ms. BALL. That's what we agreed on and that's what does make sense.

Senator WALLOP. And it calls for reducing how much?

Ms. BALL. Yes; it does. I don't have the figures. Borzea has those figures.

Senator WALLOP. You see, I think nobody in particular takes—I don't think—I mean, where I take issue with you is that this is not a bill that leads to slaughter but quite to the contrary, present legislation requires these horses be disposed one way or another that cannot otherwise be adopted or placed through programs, and one of the reasons why the population explosion takes place is that, I think, is the BLM is quite certain they cannot get rid of everything that the excess population would dictate them to gather at a given time.

Now, it has helped to lower this fee, and I think—I suspect that it will stay there, but you still have a population out there that pays a lot of taxes and is concerned about reducing expenditures for a variety of other welfare and things, and we are not going to be able to sustain forever a program that costs $200 to $300 to put out a horse.

And yet, we, I think, all agree that the original legislation was to stabilize the wild horse populations that were some threat. I don't think that anybody—or, if they did I don't think that the—that by any stretch of the imagination the majority of the people thought they were passing legislation to vastly expand those populations on public range.

Here's what brings us there, not some sort of malicious thought that it's good to slaughter horses, it brings us to the point of how do we best do this. This legislation, by providing more flexibility, not taking into account the concern you've expressed, or, Mary, or how you interpret some of those terms, but basically the thrust of this is to provide more flexibility before you ever get down to the point of adopting—I mean, of putting up horses for auction.

One of the things that you're objecting to, which I beleive is slowing down the process, and you testified you don't have any trouble with, but some have testified they have a lot of trouble with, is the years waiting for transfer of title, and a lot of fees and expenses that are inherent in that.

So, the idea is to make everything up to the point of decision of auction a whole lot more efficient and a whole lot easier and still come to the ultimate goal of stabilizing wild horse population. And I, you know, I really congratulate you for getting together with everybody and using your heads as to what is a sensible horse population. That's the thrust of it. It isn't malicious.

You were trying to say something and I kept talking and you didn't have a chance——

Ms. **Ball**. Come back again to this slaughter, your costwise Government, you're going to—why not make money on that too? I mean, you know, as I said, why sell a horse for $125 when you can get $300, as this one fellow says, $550?

Senator **Wallop**. I guess the answer to that is if you were solely interested in cost that's what we would do, but that's not what the bill sets out to do. You cannot get to auction before you have done all these other things, and made all this other effort, and we are taking it for granted in this legislation that there is going to be a horse adoption program and other things that will get rid of the adoptable horses, you know, just sort of giving them away. I suppose you could find some inherent problems with that too, but with lower fees and more creative ways, you know, some of the things we've heard today, will help in that. But you have to get through this before you can get to the auction decision, and if anybody says you're only selling the old and hurt ones, as you, I think, have misunderstood the purpose of this, is quite the contrary. You won't be adopting the old and hurt ones, you'll be adopting all the adoptable, usable horses out of this, and it will be elderly horses, or otherwise mean and rank horses that will be put up for auction is the intent now.

I understand the concern you're bringing up here, but I believe there's not, there's no legislation that stops you from going on and doing what you were doing. I do believe from the perspective of those of us who are behind this, we are more trying to save the ultimate destruction which I believe is on the threshhold. I think that is the threshhold event for all of us because sooner or later these lawsuits are going to contest these populations and it's my belief they will succeed.

You know, Mr. Mast, you suggested that the horses can eat less select feed than cattle, and I agree with that, but they won't. As long as they're feeding on the same range everybody eats the most attractive feed. If you can find the means to hold them in specific ranges where that might be the case, that's, you know, but I don't suspect that's acceptable either.

Ms. **Ball**. Is there some way you could put some more guarantees into your bill that would protect that these horses would be pushed for adoption?

Senator **Wallop**. Well, if you could suggest ways we'd be happy to hear it. I think the bill very much—is very explicit as to what has to take place before you get to these other decisions. If you can suggest improvements in that, we'd be happy to hear it.

Mr. MAST. Senator, I blame the BLM a lot for no publicity because we tried 3 months ago, we thought we'd run a sample, and we've gone for adopt a horse and in 3 months' time we have sent out 50 applications for horses. Now, I know, I know these aren't all going to be owners or anything, maybe 20 percent of them, but I think if they would contact human groups and get them behind it—we have adopt-a-cat month, we have adopt-a-dog month, let's have adopt-a-horse month. Let's get some publicity to these things and move these horses. That' the way I feel about it.

Senator WALLOP. That may, you know, that may well be what would be contemplated by the provisions of the bill that talk about it.

Mr. MAST. I think it would be worth doing and get them in gear.

Senator WALLOP. But keep in mind there are going to be people in this country who live in large urban areas and other places that are going to be wondering why it is that it costs us $200 to $300 a horse to place them in private hands for somebody's pleasure, and, you know, we're questioned from both sides of this argument. And the one intolerable thing is to have no budget for the control of horse population at all because sooner or later you know what that would lead to, that would lead to vast incredible over population, diseased animals and a great deal of stress in the society that doesn't need anymore of it.

Mr. MAST. And you'll have to monitor these people, too. I mean, this is important and that is the societies can do this.

Senator WALLOP. Well, I appreciate your talking time to come down here and give us your statement. The next panel, fifth panel is Dr. Gerald Thomas, president of the Society of Range Management in Denver; Mr. Michael Zeis, Midwest Wild Horse Adoption Center, Route 1, Box 252, Valley, Nebr., and Mr. Alan Kania, ex-director of the Center for Wild Horse and Burro Research in Golden, Colo. Maybe they have a pilot named Tex, too. None of them's here? OK. That's panel five, Thomas, Zeis, and Kania. OK, the next one is Joe McIntosh of Rawlins; Virginia Spain, Rock Springs, and Ron Smith of Green River and Bill Taliaferro.

Why don't you begin, Joe?

STATEMENT OF JOE McINTOSH, RAWLINS, WYO.

Mr. MCINTOSH. OK, Senator Wallop. First, let it be understood that I do not advocate the elimination of the wild horse, only the limitation of numbers of wild horses. A number that we all—wild horse lover, cattleman, wildlife enthusiast, and government official—can live with.

For the past 2 years, I, as a rancher, have had to gather my cattle off the public lands earlier than my permit stipulates due to the overgrazed situation in my area stemming from the prolific wild horse herds. Since there is no definition of those words, "viable herd," in relation to the numbers of wild horses maintained in a specific area, I recommend that the number be returned to the 1971 level.

I find the word "humane" frequently used in the wild horse bill, but I ask, how humane is death by starvation brought on by too many wild horses in one given area? This in fact is what is becoming of the excess horses in many areas, mine included. Let us consider making the adoption procedures less stringent and letting any unadoptable horses be sold at the nearest auction with the proceeds of this sale going back into funds for rounding up these horses. This would be by far a more humane and profitable procedure than the elimination by starvation method being used now.

I believe that our Wyoming Grazing Board should be added to the list of participants determining the need for wild horse removal and the level of numbers to be maintained in any given unit because I feel that members of our grazing board are more cognizant of what is happening on Wyoming lands than perhaps a stranger from Washington, D.C.

Furthermore, let's have the bill read that no horses will be put on any ground that has not previously had wild horses on it. This would insure those areas free of horses now never having to deal with the problem that my fellow ranchers and I find ourselves faced with today.

The public notification of wild horse removal mentioned in section 9 of the bill should be deleted. I feel by notifying the general public through the news media we only invite undue criticism and overt attention from individuals who are not familiar with the imbalance of the horse population in our public lands. This is certainly a most volatile issue with people back east, in particular, which does not need the fuel of new reporting to ignite it. Thank you.

Senator WALLOP. Thank you, Joe.

Bill.

STATEMENT OF WILLIAM R. TALIAFERRO, ON BEHALF OF THE WESTERN WYOMING LIVESTOCK USERS ASSOCIATION, INC.

Mr. TALIAFERRO. My name if Bill Taliaferro. I'm a sheepman, third generation rancher, lifelong resident of Sweetwater County, and today I'm speaking on behalf of Western Wyoming Livestock Users Association, Inc., at these hearings.

The membership of Western Wyoming Livestock Users Association, Inc., encompasses about 85 percent of the livestock owners within western Wyoming who hold district four BLM grazing permits within Sweetwater County. The association was created so that we, the livestock industry locally, could effectively address the multitude of public land issues that confronted this industry during the 1970's and since. Many of those issues seriously jeopardized the very existence of this great and historic industry where public lands were concerned.

Our members would like to thank you, Senator Wallop, for your support of S. 457 and also this committee for taking the time to come to Rock Springs, Wyo., to hold hearings on this very important issue.

As you've probably heard many times today, the Rock Springs area has been dealing with a wild horse problem before and since the inception of the Wild Horse and Burro Act of 1971. At first it consisted of confrontation and accusation and had progressed to where an agreement between the ranchers and the wild horse advocacy groups locally was negotiated. This basic agreement addressed proper populations and the distribution of the horses within the district. It was later accepted by the BLM as the basis for its wild horse management plan; however, it took a lawsuit by Rocky Mountain Legal Foundation in conjunction with the Rock Springs Grazing Association to get some response from the Federal agencies on removing the excess horses from the area.

The problems associated with excess wild horses has been thoroughly documented locally, and the BLM has over the past few years built the staff, knowledge, facilities, and rapport locally and nationally to do an effective and efficient job of rounding up these excessive horses. Their greatest problem over the years has been disposal of the excess animals and the supervision of disposal of horses and burros. S. 457 will alleviate many of these problems and should make the management of these animals on the public lands more cost effective and efficient.

As of now, all progress toward reducing the overall excess wild horse population has about come to a halt due to a facility which has been full of horses and very few adopters. This has resulted in excessive costs to the taxpayer to maintain captured horses, continuing degradation of ranges within western Wyoming due to overpopulation of horses, and frustration within the staff of the local BLM office in their attempts to implement a proper wild horse and burro management plan. We, the members of Western Wyoming Livestock Users Association, feel that S. 457 will make wild horse management feasible as it grants sale authority for those animals which are unadoptable.

As to the bill itself, we would like to recommend a few minor changes which we feel will make horse management effective, and supported by most of the public.

In section 2, part (c) we would like to see "range" defined as follows: "Range" means the areas of public land necessary to sustain a viable herd or herds of wild freeroaming horses and burros which is managed under recognized principles of multiple use management that adequately provides for the welfare of these herds.

In section 2, part (d) we would like the word "herd" changed to viable herd, and defined as follows: Viable herd means the minimum number of horses or burros necessary to sustain themselves in balance with the ecosystem they would inhabit.

In section 3, part (a) we would like to see the required consultation process include State land management agencies, private landowners and permittees within the given area, district multiple use advisory boards and district grazing boards.

In section 4, after the second sentence which ends, "agents of the Secretary," the balance of this section we feel should be rewritten or deleted. I'm sure the part required the private landowners to be responsible for protecting and reporting populations of horses and burros would eliminate probably most cooperative agreements with the BLM. The intent of this part of section 4 probably wasn't meant for areas such as the checkboard land grant as we have here, but its vague as to how it might be interpreted and should be deleted or rewritten.

In section 10 we feel the last four words should be deleted and replaced with, "did not exist prior to 1971."

When the Wild Horse and Burro Act of 1971 was enacted, many segments of the public lands had not wild horses or burros. However, during the past 12 years the population growth of wild horses has forced them into other areas in search of feed and water. We would hope you would amend this section to provide that horses and burros may not be relocated to areas where they didn't exist prior to 1971.

Again, we would like to thank the members of the committee and Senator Wallop for bringing these hearings to Rock Springs, for you interest, your time, and your considering our comments.

Senator WALLOP. Thank you, Bill.

Ron.

STATEMENT OF RON SMITH, GREEN RIVER, WYO.

Mr. SMITH. Thank you, Senator Wallop. As you know I am a Wyoming native and I'm also by educational training at the University of Wyoming, and by vocation, a biologist. I have been, or am currently serving as an officer in several local and statewide conservation groups, including the University of Wyoming Chapter of the Wildlife Society, the Green River Chapter of the Isaac Walton League of America, the Sweetwater County Wildlife Association, and the Wyoming Wildlife Federation. I am a hunter, a fisherman, a river runner, a backpacker, a bird watcher, and a wildlife and wild land photographer.

Most of all I just plain love Wyoming. Wyoming truly is someplace special. Wyoming is what America was. Wyoming's abundant wildlife and wide-open spaces are the two major reasons I believe for Wyoming's uniqueness. Our lifestyle is unmatched anywhere in the world. Each year I meet dozens of tourists who say they would give their right arm to live in the West.

The West's magic is well known. In fact, Hollywood has fully exploited the eastern and west coast big city dweller's romantic affair with the American West. This would be well and good except for Hollywood's unfactual portrayal of the American West has created many misconceptions that are taken for gospel by the unknowning city dweller.

One of the widespread misconceptions created by Hollywood in the minds of nonwesterners is that the horses that roam the deserts and mountains of Wyoming and other States are the descendants of the small turban horses ridden by 14th century Spanish Conquistadors or the progeny of ponies once ridden by Cheyenne or Arrapahoe warriors. The truth of the matter, as everyone in this room well knows, is that today's so-called wild horse is a mixture of several breeds of farm and ranch horses that were turned loose after their usefulness was replaced by modern machinery. Not nearly as romantic as the aforementioned misconception but the truth nevertheless.

Hollywood's erroneous portrayal of wild horses, feral domestic horses would be a more appropriate term, prompted a few well meaning but grossly misinformed people to lobby Congress for passage of a Wild Horse Protection Act. In 1971 they succeeded in getting Congress to pass legislation, the Wild Horse and Burro Act of 1971. This act has protected feral horses far beyond the point of being reasonable. It has, in fact, turned the fera domestic horse into a sacred cow. This legislation also runs completely counter to the principles of wise rangeland management as well as good sense.

Well meaning, but fanatical, wild horse protection groups have since 1971 placed legal roadblocks at every turn with each attempt at correction of this legislatively caused ecological blunder. In many cases these armchair ecologists presiding over the wild horse protection groups, firmly believe that if the horses are left alone that nature will take its course and all will be fine. The truth is somewhat more insidious. The examination of any ecology or wildlife management textbook would give these people dozens of examples of the calamities that have befallen native wildlife when an unmanageable exotic species has been introduced onto native game ranges.

Already, in just a decade since the Wild Horse and Burro Act was passed, these animals have nearly wiped out the native big horn sheep in many areas of the West, including the Grand Canyon National Park. This is an unneeded disgrace to our already poor record of preserving our wildlife heritage.

In Wyoming this picture is not much better. As you are no doubt aware critical wildlife winter ranges are generally small, just a few ridges kept free of snow by the incessant Wyoming winds. Since 1971, when fera horses began their unmanaged population boom, wildlife and livestock have suffered. Feral horses, because of their size, dominate and drive from critical winter ranges and areas of wind protection native wildlife such as elk, deer, and pronghorn antelope. During summer months when water is scare, feral horses have been documented to physically keep antelope from getting water. It doesn't take too much imagination to figure out what happens to that little nursing fawn when its mother can't get water.

Uncontrolled and unmanaged grazing by feral horses has negated the diligent efforts of the BLM, private landowners and the Wyoming Game and Fish Department to manage livestock and wildlife. These horses have become a menace to the range, to livestock, and wildlife, and to all who care about wildlife and proper range and wildlife management.

If you want to see an area that's been grossly mismanaged and grossly overgrazed, take a trip to Pyree Mountains that have been reserved for a wild horse range.

In this day when we've all been asked to tighten our belts does it make sense to burden our Nation's taxpayers with paying for the welfare of an animal that has caused so much destruction to our Nation's public lands and our national heritage? I don't think so.

While your bill is certainly a step in the right direction I would suggest that you redraft your bill to include the following points: One, the free-roaming horse of today's American West is not a natural nor native part of the west fauna nor wildlife heritage; two, the feral domestic horse is a detriment to public lands and to native wildlife populations; three, the feral horse should be classified to the status of trespass livestock; four, all trespass feral horses should as soon as possible be humanely removed from public lands and sold to the highest bidder so as not to further unnecessarily burden the Nation's taxpayers; five, to fulfill the American public's desire for a romantic symbol of the Old West a herd of no more than 300 brucellosis-free native American bison be reintroduced into the Red Desert for the economic and aesthetic well-being of all Americans; and six, the bison population shall be managed annually by hunting to control the bison herd at 300.

Senator Wallop, horses are beautiful there's no doubt about it. I have myself on many occasions photographed them running free across the prairies of the Red Desert and several of the State's large ranches. The latter is where these domesticated animals belong, on a ranch where they can be properly cared for and managed.

I would urge you to consider introducing legislation that would put the horse in its proper place before all hope of saving native wildlife populations and valuable livestock producing rangelands is completely gone.

Thank you.

Senator WALLOP. Thank you, Ron. Is Virginia Spain here? Again, her statement will be included in the record too. You probably know as much—about wildlife populations—as anybody in the room. Are there areas where they have been demonstrably damaged or harmed by wild horse populations?

Mr. SMITH. I understand in several areas of the west, Senator Wallop, that the wild horse, or feral horse, has as I mentioned——

Senator WALLOP. I know the one in the Grand Canyon was true, but I was wondering more about Wyoming.

Mr. SMITH. In Wyoming? Well, the wild horse study that was conducted by the University of Wyoming a few years ago has documented on several occasions wild horse—feral horse groups physically keeping antelope away from water, and also competing, dominating actually, elk and antelope on critical winter ranges, so, yes, I suspect they do.

Senator WALLOP. I guess if I was wanting an earfull of controversy that goes with the wilderness bill and the tax authority on banks and other things I'd take your recommendation straight on but you'll forgive me if I modify it a little. [Laughter.] Joe, you were talking about areas where the population has already gotten to the point where you're beginning to see some diseased or less than healthy horse populations, is that up in your country?

Mr. MCINTOSH. Which one?

Senator WALLOP. You.

Mr. MCINTOSH. Oh.

Senator WALLOP. I was just taking it from your testimony.

Mr. MCINTOSH. This does happen quite a little bit. What Ron was saying about the wild horses keeping the cattle and wild game from the waters, they do that up there, and there is no control. I mean, they'll just buckle in after them.

Senator WALLOP. Do they—like, I suppose they do, like domestic horses sometimes you get them running in the same place and they'll find livestock great fun to play with?

Mr. MCINTOSH. Well, yes. They just keeping pushing them out and later in the fall when the grass is the best, they like to eat it and they'll run the cattle back and they'll start coming back in their winter ranges, wanting back in their pastures.

Senator WALLOP. Well, we'll take into account, again, the recommendations. I think you all have pretty much hit on those areas. I guess—let me just ask you, Bill, is that definition of "viable herd", is that the one from the National Science Foundation or is that the one——

Mr. TALIAFERRO. I think it would kind of go along with Dick Loper's testimony, but I think that the BLM, I think, out here would like to manage, in specific areas, numbers of horses and I think—now, this isn't all the users, the livestock users, but I think most of them would agree with that, that we would like to know that in a particular area if they're going to maintain a herd it ought to be a viable herd, something that they're not getting a little of inbreding in and also know if there's going to be 130 horses in this particular area there ought to be 130 there, and when it exceeds that number, or when they start moving out again those areas ought to be moved back into and cleaned up, and those horses either adopted or disposed of in some way in order to stop the degradation of these winter ranges where we're primarily concerned with along this land granting the Rock Springs Grazing Association.

Senator WALLOP. Let me ask you this, you and Ron, were the Wildlife Federation or any of those groups involved with the negotiations that have been agreed on as to numbers?

Mr. TALIAFERRO. John Borzea was. Probably, led the negotiations from the horse advocacy groups representing—I forget what group he was listed for as testifying today, but couldn't make it. We also has some representatives from Green River that represented WHOA. I forget what all that delineated, but there were two or three groups locally that were interested at the time because the medias were made known that the ranchers and the horse advocacy groups were going to meet, and I think, John, at that time was president of the Sweetwater County Wildlife Federation at that time so we tried to meet with all the groups locally to hash this out to agree on horse numbers and distribution of those horses. And then we met with the Bureau and we finally pretty well finalized on that issue.

Senator WALLOP. I would ask the BLM officials here if they could supply us with a copy of that mutual agreement. I think its of interest. Thank you.

[The agreements follow:]

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
District Office
P.O. Box 1869
Rock Springs, Wyoming 82901

1983 APR 11 PM 3:46

IN REPLY REFER TO:
4710 (400)

APR 06 1983

Senator Malcolm Wallop
452 Russell Senate Building
Washington, D.C. 20510

Dear Senator Wallop:

Enclosed are copies of the "Agreements" which were discussed at your wild horse hearing on March 10, 1983 as you requested. As you can see these are not formal agreements but letters addressed to the BLM District Manager advising him of the outcome of a meeting between the Rock Springs Grazing Association; which really only represents the checkerboard area; and two of the wild horse organizations. Because neither the Grazing Association nor the wild horse organizations represent all of the effected livestock operators or the wild horse groups BLM has viewed these "agreements" as recommendations to be considered in our land use planning process. In fact most of the land use plans have now been completed and the recommended numbers have been accepted as the management level to be attained.

Sincerely yours,

Donald K. Sweep

District Manager

Enclosure

INTERNATIONAL SOCIETY FOR THE PROTECTION OF MUSTANGS & BURROS
11790 DEODAR WAY
RENO, NEVADA 89506

CUTIVE COMMITTEE

hn Borrea
uck John
an Kania
tty Kuphaldt
cy O'Brien
len A. Reilly
hn W. Reilly

TELEPHONE
(702) 972-[illegible]

INCORPORATED
May 28, 1965

1306 Kimberly
Rock Springs, Wyoming
January 4, 1979

Mr. Neil Morck, District Manager
Bureau of Land Management
Rock Springs, Wyoming 82901

Dear Neil:

I attended a meeting between the Rock Springs Grazing Association and officers of W H Y (Wild Horses Yes) January 3, 1979 at the Rock Springs National Bank.

In behalf of and speaking for the International Society for the Protection of Mustangs and Burrows we endorse and support the following agreement.

At a time when the B.L.M. has proven that they are capable of managing the wild horses with respect to numbers of horses to be allowed in the Rock Springs District it was agreed to allow 300 horses on checkerboard lands north of I-80 from the Green River East to the East boundry of the Rock Springs District. 300 wild horses would also be allowed in the area North of the checkerboard and West of I-80 to the Green River, also 400 wild horses would be managed in the area North of the checkerboard and East of I-80 to the East boundry of the Rock Springs District. 181

Agreements reached for the area South of I-80 on checkerboard lands between the Green River and the East boundry of the Rock Springs District would allow no more than 200 wild horses to be managed here. It was also agreed that no more than 400 wild horses be managed on B.L.M. lands South of the checkerboard between the Green River and the East boundry of the Rock Springs District and the Colorado line.

Unanimous opposition was voiced to any management plan that would involve a refuge in the Adobe Town Area.

Your cooperation in achieving the management agreements will be appreciated.

Sincerely,

cc: John Hay
Helen Reilly

Wild Horses Yes
DEDICATED TO THE
PRESERVATION AND WISE MANAGEMENT OF
OUR WILD HORSES

1306 Kimberly
Rock Springs, Wyoming
January 4, 1979

Mr. Neil Morck, District Manager
Bureau of Land Management
Rock Springs, Wyoming

Dear Mr. Morck:

W H Y (Wild Horses Yes) officers met with the Rock Springs Grazing Association to discuss the Wild Horse situation on the checkerboard lands in the Rock Springs District.

It was agreed by the Rock Springs Grazing Association to allow 300 wild horses on checkerboard lands North of I-80 between the Green River and the East boundry of the R. S. district providing however that no more than 300 horses would be managed in the area North of the checkerboard and West of Hiway 187 to the Green River, providing also that no more than 400 horses would be managed in the area North of the checkerboard and East of Hiway 187 to the East boundry of the R. S. district. This would allow a total of 1,000 wild horses to be managed in the Sandy Unit including the checkerboard lands North of I-80.

An agreement was reached on the checkerboard lands South of I-80 - East of the Green River to the East boundry of the R. S. district as follows. No more than 200 wild horses would be managed on the checkerboard lands described above. It was also agreed that no more than 400 wild horses be managed on B.L.M. lands South of the checkerboard and East of the Green River to the East boundry of the R. S. district.

These agreements are binding provided the B. L. M. can reduce herd numbers as outlined and at a time when this reduction is achieved.

Please be advised that all parties concerned have expressed bitter opposition to any management plan that would involve an Adobie Town refuge for wild horses.

Sincerely,

Glenda Borzea

Glenda Borzea, Secretary

cc: John Hay
Kathy Monroe
Helen Reilly

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THE ONLY LAND CLAIMED BY THIS COMPANY WITHIN ITS RANGE ARE THE ODD NUMBERED SECTIONS. WHERE RIGHTS OF WAY ARE NOT ESTABLISHED TO THE PUBLIC DOMAIN THE COMPANY OFFERS TO ESTABLISH AND DEFINE SUCH RIGHTS OF WAY UPON APPLICATION TO THE SECRETARY. ALL PERSONS ARE HEREBY WARNED NOT TO TRESPASS UPON ANY PORTION OF SAID ODD NUMBERED SECTIONS WHICH IS NOT TO BE USED AS A RIGHT OF WAY TO THE PUBLIC DOMAIN

ROCK SPRINGS GRAZING ASSOCIATION
ROCK SPRINGS, WYOMING 82901

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January 10, 1979

Mr. Neil F. Morck
District Manager
Wyoming Grazing District #4
Rock Springs, Wyoming 82901

Dear Neil:

On January 3rd the officers and directors of the Rock Springs Grazing Association met with members of Wild Horses Yes and representatives of the International Society for the Protection of Mustangs and Burros. The purpose of the meeting was to try to come up with some numbers on the roaming horses population.

The Rock Springs Grazing Association stated that we had filed with your office a request for the removal of the horses from our lands. Also, we had filed with the Federal Marshall in Cheyenne and this is our present policy and will have to remain until the horse numbers are reduced.

We agreed with the other representatives that we would recommend that 300 horses be allowed on the Rock Springs Grazing Association lands north of I-80 from Green River east to the District Boundary. It was also agreed the area west of Highway 187 to the District Boundary north of the Rock Springs Grazing Association lands extending into District #5 that 300 horses would be permitted in this area.

It was also understood that there would probably be cross-grazing by these horses on to the checkerboard land and this would be allowed provided that after the emergency which caused the drifting ceased, the horses would be removed from the checkerboard area.

It was also agreed north of the checkerboard area and east of Highway 187 to the District Boundary on the east, 400 horses would be permitted. It was also understood by the parties present that if here again, due to some emergency--extreme winter weather or drought--and there was a movement of roaming horses on to the checkerboard land, as soon as the emergency ceased the excess numbers would be removed.

THE ONLY LAND CLAIMED BY THIS COMPANY WITHIN ITS RANGE ARE THE ODD NUMBERED SECTIONS. WHERE RIGHTS OF WAY ARE NOT ESTABLISHED TO THE PUBLIC DOMAIN THE COMPANY OFFERS TO ESTABLISH AND DEFINE SUCH RIGHTS OF WAY UPON APPLICATION TO THE SECRETARY. ALL PERSONS ARE HEREBY WARNED NOT TO TRESPASS UPON ANY PORTION OF SAID ODD NUMBERED SECTIONS WHICH IS NOT TO BE USED AS A RIGHT OF WAY TO THE PUBLIC DOMAIN.

ROCK SPRINGS GRAZING ASSOCIATION
ROCK SPRINGS, WYOMING 82901

January 10, 1979

Mr. Neil F. Morck *Page 2*

The parties present also agreed that south of the Union Pacific Railroad right-of-way east of Green River to the east District Boundary, that 200 horses would be permitted on the checkerboard lands.

It was also agreed by the parties that 400 horses would be permitted east of the Green River and south of the checkerboard lands to the east boundary of District #4.

Sincerely yours,

John W. Hay Jr.

President, Rock Springs Grazing Association

JWH,Jr/ly

CC: Glenda Borzea, Secretary
John C. Borzea, Executive Vice-President

Senator WALLOP. I just really want to express my appreciation to all of you. I know that—not on a Saturday, but it's kind of tough traveling on a Saturday to get here and some did not, and if they—those of you who know them will contact them and just say that their testimony is welcome.

We have a minute or two in here. Is there anybody in the room that wishes to make a statement? Keep in mind we'll limit it to the same kind of criteria that we had for the others.

Just identify yourself and proceed.

STATEMENT OF JAMES JUNE, BIOLOGIST, WYOMING GAME AND FISH DEPARTMENT

Mr. JUNE. Senator, and the hearing committee, I'm June, James William, from the Wyoming Game and Fish Commission I would like to introduce our department's policy on horse management at this time.

The Wyoming Game and Fish Department endorses the use of helicopters by the Bureau of Land Management to locate, move, and more efficiently capture wild horses on public lands.

There is increasing evidence of competition between wild horses and native wildlife species for available forage and water in specific areas. The department does not wish to see all wild horses removed from public lands, but they do recommend that wild horse populations be controlled for protection of wildlife habitat. It is further suggested that wild horse numbers be reduced to population levels present at the enactment of the Wild Horse and Burro Act, in 1971.

Senator WALLOP. Thank you very much. Are you warden in this area, or a biologist?

Mr. JUNE. I'm the area biologist, yes, sir.

Senator WALLOP. You would be able to give us as much good information as anybody about certain areas of competition between horses and wildlife populations, whether game or nongame.

Mr. JUNE. What do you——

Senator WALLOP. I just—I mean if you characterize it as a problem that is growing and kind of in what areas that it takes place? I mean——

Mr. JUNE. Well, we—I do know and we have fairly well documented areas, especially in the dryer period, where the horses come in and water is available and they beat down the forage around the water and they do more or less keep out the animal species; deer, elk, antelope, from coming into the water.

Senator WALLOP. They do—are really quite defensive about a piece of turf?

Mr. JUNE. I don't know if this is it or in the areas where the water is available horse numbers concentrate around and it's just beating out the forage, could be either one.

Senator WALLOP. You've probably seen them though if they do actually drive off the——

Mr. JUNE. Yeah, I've seen them, the studs more or less keep the animals out until the horses get through watering in there and they very seldom leave these watering areas during the dry periods.

Senator WALLOP. What about winter range? What kind of problems, if any?

Mr. JUNE. I don't think we have any particular real heavy problems on winter range. I do know that elk will follow the horses around out there, and I think—and deer—and I think that's probably more to the horses are probably opening up the available forage where the snow is deep.

Senator WALLOP. So you have some balance in there with some useful population?

Mr. JUNE. Yeah. I do feel the horse numbers ought to be managed more compatible with the livestock numbers, and wildlife numbers in the area.

Senator WALLOP. I appreciate both yours and the Department's position and I'm glad you came down to give it to us. I really am.

Mr. JUNE. Thank you, Senator.

Senator WALLOP. Thank you very much. Stan, did you wish to speak?

STATEMENT OF STAN MURDOCK, PINEDALE, WYO.

Mr. MURDOCK. I'm Stan Murdock, a local rancher and I'm speaking strictly on behalf of myself rather than the organizations I represent.

One thing that hasn't been brought up that I think probably is very important at this point in time is that because of the economic situation and management problems that the BLM has as far as getting on the work—or, on-the-ground work done and financing this because of their budget cuts, the majority of all of the management improvements on the BLM is presently in the process, and I understand will be turned over to permittees who pay for the forage on the range in 1970—or 1984, and that that can't be turned, will probably be turned over in 1985.

Consequently many of the improvements that are used by the wild horses in these areas will be managed and paid for by the premittees who will have to cover this financially. Consequently I feel it is very important that the permittees have some sort of an input into the management which has been indicated has been worked out in this area, otherwise there's going to be some real problems with how they'll handle these things for the benefit of the wild horses.

I also feel that the BLM has been unjustifiably attacked on some of their management things here with the wild horses. I personally feel somewhat that their hands have been tied and that they have done a fairly diligent job recently.

Initially, I think they let the thing get out of hand but I don't believe they knew how to handle it. Now that they do need some help, and I believe Senator Wallop's bill is going to help that considerably and I do endorse many of the amendments that it suggests in your bill because I do think those are in order.

The other thing I feel possibly that the wild horse groups have fallen down somewhat on is they have indicated the BLM has not properly advertised the adoption policies. I personally feel that the wild horse groups could help the BLM as much as we've tried to help them in the management of these horses, if they would help in the disposal and adoption programs for these horses. So I don't feel that the taxpayer's money should be spent in such quantities as to go on public television and advertise, although they have done some, but to advertise this at the expense of the taxpayer because the wild horse groups certainly do have good contacts with a lot of people who are in concert with the sympathy that runs along those lines, and if they would do that I think they could probably help this horse adoption situation along considerably and ease the burden Congress is now faced with in getting rid of these horses.

One other problem that I don't believe has been brought up, like the study that was done recently by the University of Wyoming where they discussed the competition of these animals. They do mention that they don't know quite in a real severe winter situation how intense this competition is but I can assure you from the time I have spent on the range riding and it's not in necessarily my short lifetime, because my family's been riding out here since the 1880's, and in the horse business this long. I still raise horses and I know a little bit about them, but I do know in a tough winter situation out where the wild horses, so to speak, are, and the game have to winter, the competition in a real tough winter is ridiculously severe, and they'll eat all the same thing if it's available, but if it is not available, of course, the horse certainly is a predominatn animal out there and they'll survive where the game will not. And I'll assure you, no domestic animal other than a horse could survive under those conditions, because as we've ridden across in the spring after one of these tough winters the death kill out there can be phenomenal, the winter kill on the game animals. You will find horses that have starved to death too but that's kind of a natural selection process, but there are many very good animals that would not have perished out there had there not have been that competition in the winter for what limited forage was there.

Senator, thank you.

Senator WALLOP. Thank you, Stan. Other statements? Dick, that gentleman beside you raised his hand, and he hasn't made a statement yet. Perhaps—he hasn't made one yet and you've already made one so let me take his first.

STATEMENT OF JOHN PRULIS, CRAIG, COLO.

Mr. PRULIS. Senator Wallop, thank you for providing us the opportunity to comment to your committee. I'm sorry I don't have a prepared statement.

Senator WALLOP. That's all right. Would you give your name to the court reporter?

Mr. PRULIS. Yes. I'm John Prulis from Craig, Colo. I'm a sheep rancher. We winter all of our sheep up in Wyoming in what we call—adjacent to the Adobe Town area so I'll identify to you where we do run our sheep.

First of all I want to tell you for sure that us sheep ranchers and cattlemen are not rapists of the land that we have been accused to be. We believe in the conservation of our lands for production of food and fiber, which to me I think is a very essential commodity in this country.

And we have horses, we use horses, we like horses. We do not advocate the eradication of the wild horses, but we sure need to control them. The last 6 years since I've been—7 years since we have started wintering our sheep in Wyoming we've seen a tremendous increase in horses in our area down there that if it continues on this way it's just going to run not only us out of business, it's going to run, just actually ruin our public lands.

So I just want to thank you for the opportunity. I'm sorry I didn't have a prepared statement, but I heard it on the radio coming up to sheep camp today so I didn't even move my sheep camp, I wanted to come up and listen and find out what happened.

Senator WALLOP. Thank you very much. Dick, did you want to add something to your previous——

Mr. LOPER. I'd like to offer you the statement of Bob Skinner for the Oregon's Cattleman's Association. He asked me to submit this testimony. It's one page. If time permits I'll read it, if not I'll just give it to you.

Senator WALLOP. It's one page?

Mr. LOPER. Yes, sir.

Senator WALLOP. Go ahead and read it.

STATEMENT OF BOB SKINNER, OREGON CATTLEMEN'S ASSOCIATION, AS PRESENTED BY DICK LOPER

Mr. LOPER. Bob Skinner planned to come but evidently the weather kept him from coming and he called me yesterday morning early and asked me if I'd do this.

On behalf of the Oregon Cattlemen's Association I would like to submit the following comments on proposed S. 457.

We suggest that this bill clearly state that the maximum number of horses allowed to graze on the public land be no more than 1971 populations. The original Wild Horse and Burro Act of 1971 said this and we feel this bill should do so as well.

We also support the provision that BLM should be able to sell at public auction, horses and burros they cannot adopt. This would give clear title to the new owner and allow him to use the animals for the reasons he purchased them for. The adopt-a-horse program hasn't been able to provide an outlet for all of the horses that need to be rounded up and BLM should be able to sell those they can't find homes for, and use the money in the horse program.

We also feel that when a person picks up an adopted horse, he should receive clear title to that animal. At the present time, BLM spends a lot of money checking up on horses after they are adopted out. That money would be better spend in the effort to get horse numbers down to an acceptable level.

One of the biggest costs to the bureau horse program is during the roundup. These costs would be reduced if the BLM were given the authority to contract with local cowboys to do local roundups, but the costs to the program would be much lower than it is now.

We are in support of the other provisions of this bill and expect that this legislation will help in the effort to remove excess animals from western rangelands and reduce the size of the public subsidy to the cost of managing these animals on public lands.

Thank you very much for the opportunity to provide comments on this issue.

Signed by Bob Skinner, Oregon Cattleman's Association.

Senator WALLOP. Thank you. Last chance. Well I want to thank everybody here for having participated in the hearing, having interest enough in the process to think your voice is worthwhile. We heard both sides and we intend to do what we can to accommodate with the goal in mind that we just have to do something to manage the populations to avoid, what I believe, would turn into a kind of catastrophe that nobody on either side of the issue would like to have happen. I would like to say again that I have keys that were found in the parking lot out here and if you recognize them—it's a—looks like a foreign car key and mystical lock key, I don't know. Kind of think you'd have in Rock Springs.

Anyway, my great appreciation to you all for being here and again I apologize for being late this morning. Thank you all, and the subcommittee stand adjourned.

[Whereupon, at 2:15 p.m., the hearing was adjourned.]

PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

MONDAY, APRIL 11, 1983

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:34 a.m., in room SD–366, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop, McClure, Hecht, and Melcher.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

The CHAIRMAN. Please come to order.

Senator Wallop is necessarily detained at another place at this hour and asked that I go ahead and open the meeting, which I will do, and his opening statement will be placed in the record, or he will be given the opportunity to place his statement in the record at the beginning of the proceedings preceding my own remarks.

We have a good many witnesses today who wish to testify and some have come long distances to be here. For that reason I will ask the witnesses to limit their oral testimony to 5 minutes. Their full written statement will be made a part of the record.

For those who wish to submit statements after the hearing, the hearing record will remain open for 2 weeks, and statements may be submitted here to the subcommittee office.

Before proceeding to the statement of the witnesses, let me at this time recognize the distinguished Senator from Nevada, a member of this committee, for the purposes of making some brief remarks.

STATEMENT OF HON. CHIC HECHT, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator HECHT. Thank you, Mr. Chairman. I want to thank you for holding this hearing concerning wild horses and burros. This particular matter is of great concern and importance to the people of Nevada, some of whom have traveled a great distance to be here with us today.

I would like to welcome each of these people and thank them for taking the time and trouble to attend this hearing, to express their deep interest in this issue: Bob Wright, Maurice Bidart, Dart Anthony, Helen Reilly, Wayne Marteney, and Joe Fallini. These people have traveled a long distance from Nevada.

As you know, the State of Nevada has the largest wild horse population of any other State. The BLM estimates that there are 26,050 wild horses and 1,330 burros on public lands in Nevada, and that this population is causing serious damage to rangelands.

This problem is of particular concern to the ranchers of the State whose livestock seem to be in competition with the wild horses over vegetation. Aside from livestock, deterioration of the land will affect wildlife in those areas and even the health of the wild horses themselves.

I am aware that there are conflicting opinions about what constitutes overpopulation of wild horses. The BLM has determined that the threshold management level for Nevada is 12,000, while others say that the public lands can sustain a much higher wild horse population.

Nevada has a serious problem disposing of animals which are removed from public land. Although the adopt-a-horse program places a certain number of these animals, the program is not keeping pace with the number of animals removed from the public lands.

I am interested in any suggestions from the witnesses as to solutions in placing these excess horses. I am also anxious to hear opinions from those who believe that there are not excess animals on public lands.

I will reserve further comments until the question and answer period. Thank you for this time.

The CHAIRMAN. Senator Melcher.

STATEMENT OF HON. JOHN MELCHER, A U.S. SENATOR FROM THE STATE OF MONTANA

Senator MELCHER. Yes, Mr. Chairman.

I want to state that this law has some very real flaws and ought to be modified. Beginning with the definition of a wild horse, which I guess it's still the same now as when the law was enacted, a wild horse is any unclaimed, unbranded horse that is found on public land. That of course, can be anybody's horse, anybody that doesn't happen to brand a horse and which gets away, if the owner doesn't know it's on public land, it's unclaimed.

The problem really gets back to how many of these animals there now are and how many will there be next year and the year after that and the year after that. If you project the numbers that were thought to be on public lands at the time of the enactment of the original act, it doesn't take anybody who is especially skilled in mathematics to know that if there was adequate nutrition that there would be a fantastic number of animals by the end of this century. That still holds true today.

Horses graze quite closely because of their upper teeth; neither a cow nor a sheep have any upper teeth. Horses tend to graze closer than cattle or sheep or, of course, deer or elk, or moose, or anything else that's out there. So they are pretty hard on vegetation and for that reason, all the animal nutritionists and range management specialists, rate the amount of foliage that is necessary for a horse much higher than cattle and much higher than wildlife.

There are—wildlife are in competition with wild horses. Cattle and sheep, of course, are grazed there by people with grazing permits; leases on BLM land are in competition with wild horses and with wildlife that are there. So there has to be a balance and, in effect, that's well controlled on wildlife by hunting.

I'm not advocating hunting wild horses. I don't think it's hunting, to begin with, and I certainly wouldn't advocate it. But wildlife, deer, antelope, and elk, and other forms are reduced in numbers by that type of management.

Now, I'm not here to argue one way or the other about who manages properly on other types of wildlife; rather I'm here to argue that this law does not manage wild horses. It has no effective means of disposal of the surplus.

This give-away program, in my knowledge of it at least, has been a means of distributing a small percentage of the increase in the wild horses. It doesn't begin to keep up and chances are, never could keep up with the increase, but if somebody has got a means of keeping up by giving them away for people to use and to delight a family or an individual in ownership of a horse, I am ready to consider it. I'd love to have it that way. But short of that, some disposal method has to be devised within the law.

It's no favor to wild horses to have inadequate nutrition and there is nobody that can convince me, even if there weren't one head of cattle or sheep on public land, that in time wild horses wouldn't crowd everything else off. If all the cattle and all the sheep were removed from grazing on public land, which I think would be a disaster, there still would not be adequate forage on public lands for the increasing numbers of wild horses unless we modify this law so there is some humane, sensible way of disposing of them. Perhaps that can be by gift, but so far the law isn't adequate to permit that. It's no favor to wild horses to have inadequate nutrition, and it's no favor to deer, antelope, or elk which, admittedly forage differently—I'm not saying that they all forage the same. Deer, antelope and elk are entirely different, and what they eat is different and the way they forage is different but, nevertheless, it's no favor to them either to have inadequate nutrition.

What we are saying about all of this, is that it's inhumane. It's inhumane not to have a balanced law recognizing the wild horses for what they are, part of the scene but not certainly dominant on the scene of public land.

Thank you, Mr. Chairman.

Senator WALLOP [presiding]. Thank you, Senator Melcher.

STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. In 1971, there were approximately 17,000 wild horses and burros roaming at large on western range lands and their numbers were decreasing at that time.

Congress responded to a nationwide effort to show concern and sensitivity toward a vestige of western culture and toward a goal of assuring humane care and treatment for animals.

We passed strong legislation that offered sanctuary, and in a few years the horse and burro population exploded. Range land damage was accelerated as horses and burros over grazed that scarce grass resource. They invaded widespread water sources and, in many cases, became pests as yards and parks were frequently invaded by hungry animals.

It seems to me that we can no longer allow management of the ranges to receive only partial attention. We must provide the Secretaries of the Interior and Agriculture more flexibility to control and manage wild horse population, give them better authority to manage range lands under the true multiple-use concept envisioned in the Federal Lands Policy and Management Act, or FLMPA, of 1976, and the Public Range Improvement Act of 1978.

The adoption program has been successful in providing responsible homes for some excess animals. To date, BLM has arranged adoption of nearly 42,000 of these animals.

But America is now at something close to a critical cross-roads in the horse and burro program. Faced with ever tightening budgets and the recognition that the taxpayer can no longer afford to subsidize the program to the tune of more than $300 for each horse adopted, it must turn to a more self-sufficient policy.

Land managers must respond to a critical problem, created in part by this Congress. We have made it mandatory in strong, clear language that the Secretaries must destroy excess animals for which there is no adoption demand. That is the law today.

I don't like to see healthy animals destroyed when there are other perfectly good uses for them. As an alternative, I believe that we should give the Secretaries authority to sell excess animals removed from the western range land. The revenue generated from the sales would be returned to the BLM or the Forest Service, would be available for habitat improvement, studies designed to improve the general welfare of the animals, and for the general use on the ground program management.

It is no secret that there is much emotion in this issue, but Congress must face the responsibility of establishing an effective program.

Now, there are a great many witnesses who wish to testify today, in excess of 30. Some of them have come very long distances. I'm going to ask witnesses to limit their oral testimony to 5 minutes. Everybody's written statement will be put in the record, and the record will be open for another 2 weeks after this.

I want to thank the chairman of the full committee for opening this directly on time because of the large number of witnesses.

Senator McClure.

The CHAIRMAN. Mr. Chairman, I thank you. I do have a prepared statement which I would ask be made a part of the record.

STATEMENT OF HON. JAMES A. McCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

The CHAIRMAN. I just want to underscore what the chairman has said and what our colleague from Montana has said. There is a problem out there that requires some solution that we are not now applying. It demands, it cries out for a change in current policy.

Those who were concerned about the treatment of the wild horses and burros part of the passage of the law must recognize that there is an equal difficulty out there on the ranges in the West today that again must be addressed by a change in the law so that we can deal with that problem in a humane way, in a way that recognizes the multiple uses on the public lands, that there are other animals and other values on those public lands as well as the wild horses and burros.

I would certainly agree with what my friend from Montana said, that horses can drive everything else from the range, and we have demonstrated evidence that that has occurred in some areas already.

A horse is an introduced species, it is not native to these ranges in modern time, and as such it has no natural predator that control its numbers as other species do. The only control that it will have is either man, who introduced that species, or the limitation of available forage at the point when they reach starvation levels.

Now, Mr. Chairman, I think Senator Symms and Senator Laxalt both have requested permission to file statements at this point; correct?

Senator WALLOP. They have, and they will be inserted at this point in the record, and we are ready to proceed with administration witnesses, and I would call the Honorable Robert Burford, who is the Director of BLM, and Robert Williamson, Director of Range Management for the Forest Service.

For the record, Senator Jackson also has a statement to be inserted at this point.

[The prepared statements of Senator McClure, Senator Jackson, Senator Symms, and Senator Laxalt follow:]

STATEMENT OF HON. JAMES A. MCCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

In the early 1970's, Congress joined a nationwide movement to show concern and sensitivity toward a vestige of our western U.S. culture and toward a goal of assuring humane care and treatment for animals.

When we passed the Wild Free-Roaming Horse and Burro Act of 1971 the animals' numbers had been drastically reduced by "mustangers" and others who brutally mistreated the animals and carted them off to slaughterhouses and pet food canneries. The wild horse and burro roamed free on the West's rangelands for decades. While previously unprotected by Federal Law, humane treatment was still required under various State statutes. Little notice was taken of requirements to be kind to the animals and some of the horror stories that emerged over the years energized a horse protection movement that was unrivaled in modern times on a domestic public policy issue.

The pressures brought to bear on Congress were great. As a result we passed unanimously and sent to the President strong legislation guaranteeing the rights of wild horses and burros on lands administered by the Bureau of Land Management and the Forest Service. Our action established that this is the only wild animal actually "owned" by the Federal Government and its land managing agencies. . . . Whereas they provide habitat only for all other wild or domestic species.

Responsibility for the animals was delegated to the Bureau of Land Management through the Secretary of the Interior and to the Forest Service through the Secretary of Agriculture.

The Wild Free Roaming Horse and Burro Act of 1971 has provided for the protection, control, and managment of wild horses and burros on lands administered by the Bureau of Land Management and the U.S. Forest Service.

In 1971, when the act was passed, there were an estimated 17,000 wild horses and 10,000 wild burros on Federal lands administered by the BLM and USFS. Today, the 1982 wild horse and burro populations estimates are 44,930 horses and 120,150 burros.

BLM estimates that a population level for effective management on the public rangelands is much lower than the present levels.

Methods not necessary to protect the basic resources of the rangelands—(1) they could be relocated to other areas inhabited by wild horses and burros on the date the act was passed; (2) they could be placed in the custody of individuals, organizations, or other government agencies and remain the property of the Federal Government for their lifetime; or (3) when these methods were impractical, they could be destroyed in the most humane manner possible. BLM elected to control excess animals with the second alternative and initiated an adopt-a-horse program.

The 1971 Wild Horse Act was amended in 1978 by the Public Rangelands Improvement Act [PRIA]. This act limits the number of wild horses and burros a single applicant can adopt to four animals in any given year, unless a determination is made that the individuals can properly care for more, and allows the transfer of title of up to four animals per year to an individual who has provided human care and treatment for 1 year.

According to PRIA, if excess animals exist on public land, a determination must be made as to whether management levels should be achieved by removal, destruction, or other means such as sterilization or natural controls of population levels. This determination must be made by BLM after consultation with the U.S. Fish and Wildlife Service, State wildlife agencies, individuals in the private sector recommended by the National Academy of Sciences, and other individuals with scientific expertise and special knowledge of wild horse and burro protection, wildlife, and rangeland management.

When a determination is made that overpopulation exists, excess animals must be removed in the following order and priority:

Old, sick or lame animals are to be destroyed in the most humane manner possible;

Additional animals may be removed and placed through the adopt-a-horse program, if a demand for adoption exists by qualified individuals;

Additional animals for which there is no adoption demand may be destroyed in the most humane manner possible.

Wild horse and burro management emphasis up to this point has been the reduction of animals where seriously deteriorated range conditions exist. While reductions remain a high priority in some areas, BLM and the FS are shifting emphasis to on-the-ground management of herds.

Herd plans are developed to implement multiple-use management goals for each area where wild horses and burros are located. The plans detail range condition, current population levels, age and sex ratios, watering facilities, and forage available for the herd. The plans may identify specific improvements and facilities required to enhance range resource use by the animals and to maintain viable, thriving herds. Some herd areas may need improved water sources, while others may require increased quantity and/or quality of the vegetation. Measures to prevent damage to the vegetation, soil and water resources may be necessary. Efforts to maintain herd characteristics will be made. Desired management levels are stated. Actions necessary to maintain and protect the proper number of animals are described, including population manipulation or control techniques to be used. The public is involved in this planning process.

Three areas of the public lands, totaling 495,000 acres, have been designated as wild horse ranges. These are the pryor mountain wild horse range on the Montana-Wyoming Border, established in 1968; a range of Nellis Air Force Base established in 1962 through an agreement with the Air Force; and the Little Book Cliffs wild horse range near Grand Junction, Colo., dedicated in November 1980.

The practice of removing wild horses and burros from the public lands and placing them in the custody of individuals began in Montana in 1973 when 23 excess horses were removed from the Pryor Mountain wild horse range and offered for adoption. The next year BLM began an adoption program in oregon, followed by the one in Nevada in 1975. BLM launched the adopt-a-horse program nationwide in spring 1976.

Adopted animals are trained for riding, showing, packing, and farm work, among other uses.

Damage began to accelerate as the horses and burros grazed scarce grass, invaded widespread water sources and, in many cases, became pests as yards and parks were frequently invaded by hungry animals. Further, competition became great between wildlife, domestic animals, and the wild horses and burros.

As Federal land managers grope for solutions, they have also recognized a far greater sensitivity to the overall need to manage the rangeland environment. They have realized that there must be balanced treatment of all users . . . the domestic cow or sheep, the many wildlife species, and the wild horse or burro.

No longer can we allow management of the ranges to receive our partial attention. The amendments that I offer seek to provide the Secretaries of the Interior and Agriculture better options to control and manage wild horse and burro populations and to give them better authority to manage rangelands under the true multiple-use concept envisioned in the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

We must retain and strengthen the philosophy that wild, free-roaming horses and burros are living symbols of the historic and pioneer spirit of the American West. In fact, these amendments will assure a more balanced approach to rangeland management by insisting that it is the policy of Congress that healthy populations of wild, free-roaming horses and burros be sustained and that rangeland resources be protected for all forage consumers.

The land manager must now respond to a critical problem created in part by Congress. We have made it mandatory, in strong, clear language, that the Secretaries must destroy excess animals for which there is no adoption demand. We must find reliable and humane alternatives that will still afford protection to the animals while they are under Federal control. We do not wish to have large numbers of healthy animals destroyed. There are other viable uses for the animals. As an alternative, this legislation proposes that the Secretaries be given authority to sell excess animals removed from the West's rangelands. Revenue generated from the sales would be returned to BLM or the Forest Service and would be available for habitat improvement, studies designed to improve the general welfare of the animals, and for general "on-the-ground" program management. Present estimates indicate that under this amendment the wild horse and burro program would become nearly self-supporting if not totally so. This could save the American taxpayer some $6.0 million in appropriated funds each year.

The other important features of my proposed amendments: reestablishment of the Citizens Advisory Committee originally authorized in the 1971 act and an upgrading of the criminal penalties for repeated violations of the act.

The Advisory Committee served a useful function: yet, it was abolished under the last administration in a misguided effort to save costs. I feel this committee can serve a useful purpose as a communications bridge to advise the Secretaries on significant policy issues.

The upgrading of the enforcement penalties is needed to act as a further deterrent against unlawful acts committed against the wild horses and burros on Federal rangelands. Some convictions have been obtained in past years; however a tougher stance will benefit the animals.

The legislation has been prepared through the close assistance and cooperation of a number of citizen organizations representing millions of Americans. I have worked closely with the carey ranch wild horse sanctuary, the National Wildlife Federation, the IZAAK Walton League, the National Association of Conservation Districts, and others. There is also strong support for our concepts with the administration where the land managers are almost desperate for a more flexible program.

These organizations and individuals and others across the land have expressed a strong commitment to greater volunteer efforts to help the Bueau of Land Management screen potential adopters and to help in checking on adopted animals . . . . animals found in almost every State. I compliment these citizens in all regions of the Nation for their dedication to wild horses and burros. Their efforts should not go unrecognized. The spirit of voluntarism is strong in support of this program. Their contributions will be invaluable.

Our overall goal is to assure that wild horses and burros are a full part of multiple-use management of the public rangelands and are not regarded solely as misfits that have no legitimate place on the West's open spaces. The amendments I propose are designed to assure that wild horses and burros are managed with greater status than in the past, to match other values found on the public lands.

I invite my colleagues to become more familiar with the issues surrounding the critical problem of creating this balance among forage consumers on the range . . . and to join in supporting early favorable conclusions on this legislation in the Senate.

STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Mr. Chairman, I just have a short statement as I know you have a number of witnesses to hear from this morning. Also, Mr. Chairman, I have a number of questions I would like to submit later today to the Department for inclusion in the hearing record.

As one of the original sponsors of the Wild Free-Roaming Horse and Burro Act of 1971, I must oppose the measure before the Committee today, S. 457. I am opposed to this bill because I do not believe it is necessary and because I fear that its enactment could lead to some of the same abuses and inhumane treatment that led to the passage of the 1971 Act. I know that is not the intent, but I sincerely believe it will be the result.

The most troubling aspect of S. 457 is the provision authorizing the Secretaries of Agriculture and the Interior to sell excess wild horses and burros for which there is no adoption demand. The rationale for this provision appears to be threefold:

First, there is a very large number of horses and burros on the range for which no adoption demand exists;

Second, these animals are damaging the range which threatens livestock and wildlife; and

Third, the Adopt-A-Horse program amounts to an unwarranted "subsidy" that the Nation can no longer afford.

While there may be a kernel of truth in each of these propositions, providing the BLM with the authority to sell horses for profit and slaughter is not the answer.

The adoption program is not a failure—indeed it has been a very successful program that has placed over 42,000 animals in good homes. Only when the adoption fee was increased to an unrealistically high level did adoption demand dry up and the program falter. Now that the fee has been lowered, I am convinced that the Adopt-A-Horse program can continue to do the job—if the BLM and the Congress are committed to making the program work.

With regard to range damage caused by wild horses and burros, I am certain that there have been conflicts between these animals and livestock and wildlife. Where the conflicts and overgrazing are a problem, appropriate actions should be taken. However, it is my impression that these conflicts are the exception rather than the rule and simply do not warrant either the sweeping changes in the current law that would be brought about with the enactment of S. 457 or the proposed removal of almost 55 percent of the wild horses and burros presently on the range. Range deterioration in the West is a longstanding and complex problem, and the answer is not the removal of over half the wild horses from the range.

The third argument in favor of this measure is, in my view, the least persuasive. To suggest that this Nation cannot "afford" the $4–6 million per year it costs to run the Adopt-A-Horse program and manage these animals effectively and humanely without selling them for profit is hard for me to believe. Out of a BLM budget of $523,000,000, I think we can afford to set aside something like 1 percent of it for the management and protection of these animals. Certainly we need to make the programs as cost effective as possible. The increase in the pre-1982 adoption fee to the current level is a good move. I also support a non-refundable deposit for potential adopters, although I feel the present proposal of $25 may be too high. Some reporting requirements may also be eliminated.

In sum, the proponents of this legislation have not made a compelling case for granting the BLM the authority to sell wild horses for profit and slaughter, and I will not support this provision. However, I think that some of the other proposed changes in S. 457 are positive, and I am prepared to support many of them.

STATEMENT OF HON. STEVE SYMMS, A U.S. SENATOR FROM THE STATE OF IDAHO

Mr. Chairman, I want to commend your diligence in pursuing a responsible legislative solution to the widely recognized shortcomings of the Wild Free-Roaming Horse and Burro Act of 1971. I am pleased to cosponsor this bill, and look forward to working with you toward its timely passage in the Congress.

Today, over a decade since the Wild Horse and Burro Act became law, it is evident that this legislation has more than achieved its most important objective: the repopulation of our feral horses and burros, the future of which had been seriously jeopardized by some notorious abuses and commercial exploitation. No one now questions the viability of the Old West's surviving mustangs and burros, but ironically, the strong recovery of these animals as encouraged under existing law, is now threatening their long-term well-being. Herds have reached levels today that are well over twice the number that the Bureau of Land Management and Forest Service, the agencies responsible for their care, deem to be manageable.

The outcome of excess animals on the range has been totally predictable. Wild horse and burros have moved into traditional livestock grazing areas and onto private land. As a result, valuable range is being devastated, domestic cattle and sheep are suffering, and in depleted grazing areas, the wild horses and burros lack adequate nourishment, and are actually starving. The federal agencies involved, state administrators, ranchers, and many wildlife organizations have all realized the need for immediate change in the 1971 law, so that wild horses and burros can be maintained in numbers suitable to the carrying capacity of the range. The changes recommended in Senator McClure's bill, S. 457, will allow the BLM and Forest Service to once again obey the intention of the 1971 law to ensure the maintenance of a "thriving ecological balance on the public lands."

At one time, the Adopt-a-Horse program looked like a good means to reduce burgeoning herd populations. Many animals were taken into foster homes at the onset of the program, but all adoptions were heavily subsidized by the taxpayers. Adoption demand was decreased dramatically, perhaps due to saturation of the demand for these animals, higher adoption fees (necessitated by budget reductions), or because of general economic conditions. Consequently, the BLM has been spending over two-thirds of the funding for management of the wild horse and burros on the adoption program alone. The problem remains, however, that $2,400 per day is being demanded from the taxpayers for maintenance of wild horses and burros in adoption centers. Unfortunately, funds have to be diverted from range care to adoption corral costs and the animals on the range suffer as a result.

Senator McClure's bill addresses this major problem in existing law, allowing the BLM to sell, rather than destroy excess animals for which there is no adoption demand, as current law requires. Proceeds from the sales will be returned to the BLM and Forest Service to better the management of and habitat of our wild horses and burros.

The professional wildlife managers, until Congress adopts these needed changes into law, will continue to be hamstrung by the inflexibility of present statutes. No one can deny that the over-population of feral horses and burros is hurting our efforts to protect other vital resources and land uses, including wildlife, vegetation, livestock and watersheds. S. 457, by providing for the sale of excess wild horses and burros, which is essential to offset the climbing costs of their removal from the range, and by providing for the termination of expensive and non-essential public hearings and reports, will ensure the future welfare and protection of all of our range animals.

Passage of this important legislation will assure that our limited resources on Federal lands will be managed in a balanced manner to benefit the broad base of uses and protections of those Federal lands. This bill clearly serves the best interests of the American taxpayer, the wild horses and burros, and the livestock and wildlife inhabiting the range and competing for scarce resources.

STATEMENT OF HON. PAUL LAXALT, A U.S. SENATOR FROM THE STATE OF NEVADA

Mr. Chairman, I appreciate this opportunity to provide for the record my thoughts on the necessity of this legislation, S. 457, to amend the Wild Free-Roaming Horse and Burro Act. I commend you, Mr. Chairman, for taking the lead in this effort.

I do not want to belabor the record with a recital of the tragic historical record which brought about passage of the original act, Public Law 92–195. Little thought was given to the welfare of wild horses. I believe we will all readily agree that a return to the days of the mustangers and the threat they posed to the animals must not be permitted in any degree.

In fact, however, the Wild Horse and Burro Protection Act has proven to be an overreaction to those days which has brought with it problems of a very different sort. That legislation has protected wild horses so well that their numbers have grown to the point they pose a threat of their own to the fragile range resources on which not only other wildlife and cattle must compete but to the horses themselves. The ranges in most of the West, and I can say so particularly with respect to Nevada, are a fragile resource. The number of cattle allowed to graze are strictly limited. Other wildlife such as deer are managed to maintain an optimal number. But while theoretical numbers are assigned to wild horses based on the best scientific evidence about the carrying capacity of the range, management tools are inadequate to the task of maintaining those numbers. The best of our technological tools such as the helicopter are not permitted.

Of the animals that are captured, many are not adopted because they do not make good domestic animals. These are presently maintained at great cost to the Government or are put down and buried. That is wasteful. The wild horse is unique in that respect. Every other animal in this nation's wildlife heritage is managed in a scientific manner.

I believe the bill we are considering is a reasonable effort to redress the provisions which have led to our present problems. It gives management tools back to the BLM and provides for the disposal of animals through auction which are not adoptable. I urge the Committee's early and favorable approval of this bill.

STATEMENT OF HON. ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR ACCOMPANIED BY ROBERT M. WILLIAMSON, DIRECTOR, RANGE MANAGEMENT, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AND JOHN BOYLES

Mr. **Burford**. Thank you, Senator Wallop.

I do have a prepared statement which I think the staff already has. I would request that it be entered in its entirety in the record. I am not going to read that statement, in the interest of time. I am not one of the witnesses who has come a long way to get here; you can call me back at almost any time in the event you have further questions.

I would like to make a couple of points. This issue was first addressed I think in 1959 with the Wild Horse Annie Act, further addressed in 1971, modified in 1976.

As we have learned more about management of these animals, we have found that their numbers have increased drastically over the past 12 years that the protection has been there.

We have also learned more about the cost of gathering, the cost of adopting, and transportation, veterinary work, Senator Melcher, and a good many other things that enter into these costs.

It has been apparent for some time to professional land managers that we did need some amendments in this act, but it should be noted that S. 457 itself was written by horse groups, and range groups from outside the administration. They assisted Senator McClure in this. We do have some proposed amendments which my staff will be glad to discuss with the staff at a future time.

Since management of public lands was first attempted with the passage of the Taylor Grazing Act, the Bureau has proceeded along the lines that there were excess livestock on the ranges, and if one goes back historically you will see that probably in 1946 there were 22 million, a little bit in excess of 22 million AUM's paid for on public lands in the West. Last year it was down around to about 10.5 million AUM's.

At the same time, in the management of the lands for deer, elk, antelope, and game animals, the AUM's available to them have increased over the years, but the one species which has shown the most dramatic increase, most dramatic use of forage, has been the wild horse and burros. They have more than tripled during the 12 years that we've been keeping track of them.

I think that at this time I would conclude my remarks, and we will answer, either for the record now or submit answers, any questions you Senators may have.

[The prepared statement of Mr. Burford follows:]

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STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 457, "A BILL TO REQUIRE THE PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS ON PUBLIC LANDS."

I appreciate the opportunity to appear here today to discuss with you legislation relating to the protection, management and control of wild free-roaming horses and burros on the public lands.

Although S. 457 appears to be a complete new bill, it would, in fact, be a reenactment of the Act of December 5, 1971, with several very significant amendments. We favor the enactment of S. 457 but suggest that it be amended along the lines I will discuss briefly with you. We will be glad to discuss our proposed amendments in more detail with the Committee staff.

During the past 12 years, the Bureau of Land Management and the Forest Service have administered a rapidly changing wild horse and burro management program. Our experience has convinced us that we need new authorities to carry out our mandate to protect, manage, and control wild free-roaming horses and burros on public lands in the most beneficial manner. The legislation being considered today contains new provisions to adapt the program to today's needs, and those of the future.

The original Wild Free-Roaming Horse and Burro Act was passed in 1971 in response to public outcry for protection and preservation of the animals from the inhumane treatment they had experienced at the hands of many mustangers. Although it did provide in general terms for the removal and disposition of

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excess animals, its primary emphasis was protection of wild horses and burros that, as the Act said, were "fast disappearing from the American scene." The 1971 act set the tone for the initiation of a wild horse and burro management program by the Bureau of Land Management and the Forest Service. However, little attention was given to future problems that could result from protecting two species of animals that are both capable of rapid reproduction and have few natural predators to limit their population growth.

By 1973, it became clear that wild horses and burros were not in danger of disappearing from the public lands. Removal of excess animals was becoming more commonplace. That year, as a cooperative effort between Wild Horse Organized Assistance, Inc., and BLM, the Adopt-A-Horse Program was begun in Montana's Pryor Mountains. Because the 1959 Act popularly known as the Wild Horse Annie Act prohibited the use of aircraft and motor vehicles in wild horse and burro roundups, removal was done primarily by wranglers on horseback. The work was dangerous, slow, and very costly. And the need for removing additional animals kept escalating. According to 1974 population estimates, the number of wild horses and burros had increased from the 17,000 level in 1971 to about 57,000 animals.

In recognition of the need for additional authority to conduct humane removal of excess animals, Congress in 1976 authorized BLM and the Forest Service to use helicopters in gathering operations and to use motor vehicles to transport captured animals. Using this authority increased the safety of all parties involved in animal removal, and resulted in more humane gathering procedures, and more cost-effective operations.

However, this activity generated a new problem. Now that we were capable of gathering an increased number of excess animals, what were we to do with them? Congress recognized the problem and in 1978 legislated priorities for the removal and dispositon of excess wild horses and burros. The law now requires that old, sick, or lame animals are the first to be destroyed humanely. Healthy excess animals are to be made available for private maintenance as long as an adoption demand by qualified individuals exists. If no such demand exists, remaining excess animals are to be destroyed in the most humane and cost efficient manner possible.

Also, Congress realized by 1978 that not enough information regarding wild horses and burros was available to adequately manage the animals. It authorized a research program to be designed by the National Academy of Sciences and completed under its auspices by January 1983. Congress also recognized the need to provide new incentives for adoption and at the same time to reduce program costs. It authorized granting title to animals they had adopted to individuals who had provided at least 1 year of humane care and proper treatment for the animals.

In 1971 and 1976 and 1978 no one envisioned that BLM would place over 42,000 excess wild horses and burros in foster homes, and that there would still be thousands of additional excess animals remaining on the public lands. We could not foresee that adoption costs would average around $400 per animal. In January 1982, in an attempt to recover some of the adoption preparation costs, BLM put into effect a $200 per horse/$75 per burro adoption fee. These fees, combined with a declining economy and unusally harsh weather, resulted in a substantial drop in adoption demand and a corresponding increase in the number of animals maintained in adoption centers across the Nation. The increasing periods of time animals were being maintained in our corrals increased the program costs. This fact, combined with requests in public comments on our proposed adoption fee regulations to reduce the fee level, led to the reduction in the fee to $125 per horse on March 4. We hope setting the fee at this level will enable us to operate a viable adoption program but will also discourage adoption for the purpose of commerical gain at this fee level.

However, reduction in the adoption fee will not solve all of our problems. Under requirements of the present law, BLM should have destroyed the 1,000 animals presently in our adoption centers because they are animals for which no adoption demand exists. Only a moratorium on destruction of any healthy wild horse or burro that I established in January 1982 has prevented their destruction. I assure you BLM has no desire to carry out this legally required destruction.

Costs of operating the program are still too high, and we need to take advantage of opportunities to increase our cost efficiency. Unfortunately, the current provisions of the Wild Free-Roaming Horse and Burro Act prevent us from initiating many cost-saving measures. We believe the changes in the law proposed in S. 457 will give us the ability to effectively manage America's wild horses and burros into the future.

The major change that would be made, if S. 457 is enacted, is that BLM and Forest Service would be able to sell unadoptable excess animals. This would be in addition to the present authority to destroy them. I would emphasize that even with this authority the adoption program will remain our first option and primary means of disposing of excess animals. We would be delighted to place every healthy animal removed from the public lands in a qualified foster home. Realistically, this is not possible. Now the cost of maintaining over 1,200 excess animals exceeds $2,400 per day. Authority to sell unadoptable animals would provide another opportunity to find a home for the animal and, at the same time, would generate revenues that would be returned to the program to benefit wild horses and burros remaining on the public lands. Of course, as the legislation requires, all animals sold would be subject to State and local humane laws.

Other provisions in S. 457 will contribute to the cost effectiveness of the wild horse and burro program. The amendment to section 3(c) that eliminates the requirement to file an application for title would allow BLM to issue Certificates of Title to all adopters who have maintained their animal for at least 1 year, unless of course we suspect that the animal has not received humane care and proper treatment. This would also remove a burden from adopters, who currently must complete the application and obtain a certification from their veterinarian that the animal has been properly maintained. There are presently 22,800 animals that have been adopted from BLM that are eligible for transfer of title to the adopters. Both compliance and titling costs would be reduced under this provision of S. 457.

Helicopters and motor vehicles have been used in wild horse and burro removal operations for 7 years, and have proven to be humane and cost efficient. However, public hearings required before they can be used are not well attended and serve little useful purpose. Elimination of the requirement for a hearing, presently required by section 9 of the Act, would substantially benefit both BLM and the Forest Service. We could simply notify the public of the upcoming use of helicopters in gatherings. Similarly, we support the provision authorizing other Federal Agencies to use helicopters and motor vehicles in horse and burro gathering operations as the most humane method for the people and animals involved.

The biennial report to Congress required by Section 11 of the 1971 Act duplicates material that is included in the annual report required by the Federal Land Policy and Management Act of 1976. Additional cost savings would be realized by eliminating the requirement to submit to Congress a separate report on wild horse and burro administration.

The proposed reestablishment of a wild horse and burro advisory committee would provide additional opportunity for public participation in the development of programs and procedures to implement the amendments to the law. This may reduce some of the misunderstanding about the program.

As I said earlier, we suggest several minor editorial changes in the bill to clarify its meaning and to streamline the implementation of the program. Basically we are recommending some changes in the consultation language in section 3(a) which will broaden its scope, and in the purpose of the inventory required by section 3(b) to be maintained. We also suggest amending the language in section 10 relating to relocation of horses and burros to make it reflect more precisely Congressional intent. With these revisions, the BLM heartily supports S. 457 as legislation that will provide the authority needed to properly protect, manage, and control our Nation's wild horses and burros.

This concludes my statement. I will be pleased to answer questions about our program.

Senator WALLOP. Thank you very much, Bob.

Senator McClure?

The CHAIRMAN. I have just a couple of questions I would like to ask because your views are on the record, pretty well known already, and I assume the views that you have previously stated remain essentially unchanged.

There has been one change of policy over the last couple of years, and it's gone two different directions, and that is with respect to the adoption fee. It was raised and has again been lowered.

Would you outline for the committee what went into those two decisions, first to raise the fee and then to lower the fee?

Mr. BURFORD. Yes. At the request of the House committee, which in testimony on appropriations, suggested in either 1980 or 1981 that the fee should be increased to at least partially recover some of the costs of the adoption program and at the urging of the Office of Management and Budget who made the same request of the Bureau, we did increase that fee.

At the time, it looked as if we could increase it quite possibly to $200 and still not dramatically affect the adoption demand. But it turned out that probably some of our figures were a little bit wrong and that, combined with the recession, did apparently decrease demand.

So we went out for public comment again and considering the public comment, together with a study that we ran internally, we concluded that we could assure maximum returns to the Treasury and maximum adoption rate, if we set the adoption fee between $125 and $135 per head on horses. So erring on the low side this time, I made the decision to set it at $125, plus transportation.

The CHAIRMAN. When did you drop that adoption fee?

Mr. BURFORD. March 4, I believe.

The CHAIRMAN. Just a little over a month ago?

Mr. BURFORD. Yes, sir.

The CHAIRMAN. Has it been long enough for you to determine whether there is any response to that change in the fee?

Mr. BURFORD. It looks as if there is some response but no, a month is not long enough to really tell what the demand is going to be.

The CHAIRMAN. Now, in the adoption program, you charge not only the adoption fee, you also charge cost of transportation from——

Mr. BURFORD. Yes.

The **Chairman** [continuing]. The point that they are held by the BLM to the point to where they are made available to the public? Is that not correct?

Mr. **Burford**. That is correct.

The **Chairman**. And those adoption points are primarily where in the United States?

Mr. **Burford**. Well, some of the Western States, there is a large one at the Palomino Corral, and one at Kingman, Ariz. We have two in the Eastern States, one at Cross Plains, Tenn., and one at Lewisberry, Pa., which we just opened about 6 or 8 months ago. I have a list of them here showing where we pick up these horses, and we have used satellite programs in places like Denver, and I think we have one scheduled for Florida, Mississippi shortly, where we will advertise heavily and deliver a certain number of wild horses and burros there in the near future.

The **Chairman**. When you say you charge the cost of transportation, you are talking about the transportation from what point?

Mr. **Burford**. The point of capture or gather, like Palomino Valley to the adoption center.

The **Chairman**. It doesn't include the roundup cost——

Mr. **Burford**. No.

The **Chairman** [continuing]. And it doesn't include the cost of holding the animal until they are transported to the adoption center, does it?

Mr. **Burford**. No, it does not include that, nor does it include the health costs, the branding costs that are entailed.

The **Chairman**. Mr. Burford, when rounding up animals, is it the practice of the BLM today to select the animals to be captured?

Mr. **Burford**. Well, it's a little bit difficult to select the wild horse where you are essentially gathering the full herd and putting them in a corral. About the only thing that will drop out will be the halt, the lame and the sick that drop back behind.

The **Chairman**. When rounding up, do all the animals that are captured then go through the adoption program or do you release some back to the range?

Mr. **Burford**. Most of them go through the adoption program. There may be instances where some get away.

The **Chairman**. Well, there was in the past, I know 3 or 4 years ago, widespread roundup and then a selective culling of that group, with the ones that were most salable going to the adoption program, the ones that were least salable being released back to the range. Is that still the practice?

Mr. **Burford**. John, is that the practice—still the practice?

John Boyles who is in charge of the wild horse and burro program.

Mr. **Boyles**. In specific locations, Senator, that still occurs. Generally, though, because the population is well above our estimated management level, we are removing most of the animals that we capture.

The **Chairman**. Now in specified locations, when it does occur, how do you determine which ones go through the adoption program and which ones are released?

Mr. **Boyles**. That occurs at the capture, sorting the animals, looking at them, where we are close to management numbers, we may release back on the range those animals we feel would——

The **Chairman**. Well, which ones do you keep and which ones do you turn loose?

Mr. **Boyles**. Well, those that we feel could be adoptable, we will capture those. We may occasionally turn out one or two good animals to propagate.

The **Chairman**. You obviously know where I'm coming from because you are being very careful about your answers.

As a matter of fact, when you round up a group and you keep the most adoptable and turn the rest out, you are culling the herd so that it is the selection of the least fit that will propagate?

Mr. **Boyles**. That is correct.

The **Chairman**. And that has shown up in some of the herds in the West over the last several years, and that has also led to that other program which you now have, you are transporting stallions around in order to upgrade the herds or to at least introduce new strains into various bands; isn't that correct?

Mr. **Boyles**. Yes.

The **Chairman**. Have you heard from the horse breeders of the United States that are a little bit resentful of the fact that you are in competition with them?

Mr. **Boyles**. Not at this point, but I believe there will be some breeders that will testify today, and may want to cover that point.

The **Chairman**. You haven't heard from them yet?

Mr. **Boyles**. No, sir.

The **Chairman**. You will.

Thank you, Mr. Chairman.

Senator **Wallop**. Senator Melcher.

Senator **Melcher**. Mr. Williamson, does the Forest Service have equal problems, as outlined by Mr. Burford?

Mr. **Williamson**. Yes, only on a much smaller scale, and also most of our problems are directly related to the BLM problems because our horses are processed through their facilities.

Senator **Melcher**. The "current status for horse"—shows 2,050 horses; is that about right?

Mr. **Williamson**. That is about right.

Senator **Melcher**. That's your figure then?

Mr. **Williamson**. Yes.

Senator **Melcher**. Is everybody—this is for both Mr. Burford and Mr. Williamson—are all the employees of your agencies supposed to be very careful about enforcing this law? What about this definition, "A wild horse is unbranded, unclaimed as long as it is on public lands or is on public lands part of the year." Can you enforce that?

Mr. **Williamson**. In the case of the Forest Service, presently, the only place where an unbranded, unclaimed horse would run into competition with this definition is where it is on a territory defined as an area where horses existed at the passage of the 1971 Act.

Now, if an unbranded, unclaimed horse shows up outside of those areas, then it does not fall under the definition in the Act.

Senator **Melcher**. What if it got into one of those areas?

Mr. **Williamson**. If it got into a territory, then there is a claiming process established. If that horse is obviously a gentle horse, a broke horse, has saddle marks, then it would fall out and in our case, be turned over to the State Livestock Sanitary Board.

Senator **Melcher**. Well, there are a lot of unbranded horses that might be temporarily unclaimed because they are lost——

Mr. **Williamson**. That's right.

Senator **Melcher**. Those animals that won't have a mark on them and they are not very gentle.

Mr. **Williamson**. That's right, once in a while. In that case, it becomes a judgment call.

Senator **Wallop**. Probably mine.

Senator **Melcher**. Once in a while? I think most of the time.

Well, I think the horse that obviously has been used a lot and is gentle is not the one that is going to wander away from home. They have a habit of staying at home because that's where the grub is.

Mr. Burford, do you brand these horses nowadays?

Mr. **Burford**. The ones that are adopted out, yes.

Senator **Melcher**. What are they branded?

Mr. **Burford**. They are freeze branded.

Senator **Melcher**. Where?

Mr. **Burford**. On the left side—John says on the left side of the neck.

Senator **Melcher**. Left side of the neck; and what are they branded?

Mr. **Boyles**. The brand is an individual serial number.

Senator **Melcher**. Oh, it's an individual identification?

Mr. **Boyles**. That is correct.

Senator **Melcher**. And it stays there for life?

Mr. **Boyles**. Yes.

Senator **Melcher**. Is there anything wrong—is the law still that you never get the title to the horse?

Mr. **Boyles**. They obtain title to the horse after 1 year of humane care and treatment.

Senator **Melcher**. One year.

Mr. **Boyles**. And they have to apply for that.

Senator **Melcher**. They have to apply for that.

Is there anything wrong with spending money on this program?

Mr. **Boyles**. On the titling aspects of it?

Senator **Melcher**. On all of it, on the whole ball of wax, is there anything wrong with spending money on it?

Mr. **Boyles**. No, I don't think, you know, the intent of the act obviously is to preserve wild horses and burros on the public land and, obviously, to do that is going to require the expenditure of some funds.

Senator **Melcher**. Yes, and you spend money on every other aspect of management, do you now?

Mr. **Boyles**. That's true.

Senator **Melcher**. Mr. Burford, what would you think was a logical amount? Do you think $6 million a year is too much?

Mr. **Burford**. Well, that is quite definitely a judgment call, Senator. I think that we spent—I think around $32 million since the act was introduced. It's been steadily increasing up until the last year or so. I think we have spent close to $4 million this year and intend to spend close to that next year, in 1984.

Senator **Melcher**. Well, that's a piddling amount in what BLM spends every year, is it not?

Mr. **Burford**. Probably about 1 percent of their MLR.

Senator **Melcher**. Pardon me?

Mr. **Burford**. Probably about 1 percent of our MLR is spent on the actual adoption program.

Senator **Melcher**. You are getting by on $400 million or less?

Mr. **Burford**. I didn't bring that budget with me. I think it's around $430 million in our Management of Lands and Resources account?

Senator **Melcher**. Well, just in that one account?

Mr. **Burford**. Well, that's our expenditure account.

Senator **Melcher**. That's your expenditure account?

Mr. **Burford**. If you look at the management of the lands, that's how much we spend.

Senator **Melcher**. Well, I don't suppose there is any way of handling this without spending money, and the adoption program is going to cost money?

Mr. **Burford**. Yes.

Senator **Melcher**. So maybe, as far as you can see, do you think the main impediment for the adoption program working was the charging of a fee? I can hardly believe that, but does that seem like——

Mr. **Burford**. No, sir, I don't believe that's true. Anyone who adopts a horse certainly should take into consideration the fact that maintenance of that horse will amount to a lot more than the initial adoption fee. Anyone who has handled horses or been around horses at all knows that if you keep one in a corral or confinement, or even if you have a pasture, you have to start at least $30 a month on pasture costs and go from there on up to $60, $70 a month. It isn't the actual investment, it's the maintenance that is involved with horses.

Senator **Melcher**. Well, I understand that, but I think there might be some restraints on those that are close by which obviously would have little transportation charges as compared to somebody, for instance in Maryland or Virginia, or West Virginia, or Pennsylvania, wanting to adopt a horse from Billings, Mont. You are going to have a huge transportation cost.

Mr. **Burford**. Yes.

Senator **Melcher**. But I understand the adoption fee at one point was $200.

Mr. **Burford**. Yes, sir.

Senator **Melcher**. And at that time, I doubt whether a canner horse was worth $200, was it?

Mr. **Burford**. Whether a what?

Senator **Melcher**. A canner horse.

Mr. **Burford**. Yes, they were bringing more than that.

Senator **Melcher**. At that time?

Mr. **Burford**. Yes, sir.

Senator **Melcher**. What are they bringing now?

Mr. BURFORD. I don't have the latest quotations, but the last time I looked it up, which was probably about 3 or 4 months ago, it was about 42 cents a pound.

Senator MELCHER. Well, I think it's dropped off considerably since then.

Does anybody know?

Mr. BURFORD. I can get that information for you.

Senator MELCHER. Well, I think—I think $200 right now, plus transportation, would probably be about the way a canner horse is, I don't know, unless it's a big-framed horse. And I don't believe that fee was reasonable—but what is it now? $125?

Mr. BURFORD. One hundred twenty-five dollars.

Senator MELCHER. Well, obviously, that may have to be looked at rather seriously if that is a restraint on the adoption program.

Mr. BURFORD. Senator, I don't think it should be considered a restraint. If there is concern on the part of horse breeders that we are in competition with them, this might alleviate—a small fee might alleviate some of that concern. I don't——

Senator MELCHER. Well, I can understand that. I can understand both sides of this, believe me, as I'm sure you can, but if we are going to have a program that works, I think it has to be uppermost in our mind what type of procedure there is to humanely depopulate the overpopulation when it occurs, so I think that is one of the items we had better be looking at.

Thank you very much.

Mr. BURFORD. Yes, sir.

Senator WALLOP. I just have one little line that I wish to pursue, Bob, and that is, how many horses now are you destroying?

Mr. BURFORD. At the present time we are not destroying any.

Senator WALLOP. See, that's the problem. I think a lot of people don't understand that you are obliged by law to maintain these populations, destroy the excess animals, and somebody is going to go to court and make you do that——

Mr. BURFORD. We recognize that.

Senator WALLOP [continuing]. Unless those populations are controlled, and I believe that is the whole purpose behind this bill, the reason why you philosopically support it; is it not?

Mr. BURFORD. Yes, it is.

Senator WALLOP. I have no further questions, and I appreciate the administration's panel here today.

Mr. BURFORD. Senator.

Senator WALLOP. Yes, sir.

Mr. BURFORD. Are you going to be through with the administration witnesses at the present time?

Senator WALLOP. Yes, sir.

Mr. BURFORD. We do have a tour arranged of the adoption center at Lewisberry, Pa., tomorrow, and any of the people who are in town or any of the Senators who wish to attend that tour, if they will notify us, there will be transportation available to attend that tour of the adoption center, which has been open 6 or 8 months.

Mr. BOYLES. Since July.

Mr. BURFORD. Since last July.

Mr. BOYLES. July 1980.

Senator **Wallop**. What is the most reasonable way of notifying you?

Mr. **Burford**. We will have someone here in this room all day, attending these hearings, and anyone who wishes to let us know can see John or Kurt.

Senator **Wallop**. OK. We appreciate it, and I hope that some take advantage of that.

Thank you all very much.

Mr. **Burford**. Thank you, sir.

[Subsequent to the hearing the Office of Management and Budget submitted the following:]

MAY 0 9 1983

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
MAY 9 1983
WASHINGTON, D.C. 20510

Official Committee File

MAY 5 1983

Honorable James A. McClure
Chairman, Committee on Energy and
Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request of March 2, 1983, for the views of the Office of Management and Budget on S. 457, a bill "To require the protection, management, and control of wild free roaming horses and burros on public lands."

The Office of Management and Budget concurs in the views of the Department of the Interior as expressed by Robert F. Burford, Director of the Bureau of Land Management, in his testimony on S. 457 before the Committee on April 11, 1983. Accordingly, we recommend enactment of S. 457 with certain amendments as proposed by the Department of the Interior in its letter of May 2, 1983.

Sincerely,

James M. Frey

James M. Frey
Assistant Director for
Legislative Reference

Senator WALLOP. Now, we will get into the first panel.

I would remind witnesses I would call them on the 5-minute rule and I would also remind Senators from the committee that I'm going to post a 5-minute rule on questions so that we can kind of move this along and, hopefully, get to everybody—meet their airplanes—can testify.

The first panel is Mr. Bob Wright, chairman of the Public Lands Committee, National Cattlemen's Association, Wells, Nev.; Maurice Bidart, chairman of the Public Lands and Pasture Committee, National Association of Conservation Districts, Gardnerville, Nev.; Commissioner Steven Gilmore, Commissioner of Agriculture, State of Utah, Salt Lake City; Bill Ross who is past president of the Oregon Cattlemen's Association, Jordan Valley, Oreg.; Michael Stientjes, assistant director of National Affairs, American Farm Bureau; and Evangeline Ingram of Challis, Idaho.

Mr. Wright, proceed.

STATEMENT OF ROBERT WRIGHT, CHAIRMAN, PUBLIC LANDS COMMITTEE, NATIONAL CATTLEMEN'S ASSOCIATION, WELLS, NEV.

Mr. WRIGHT. Thank you, Mr. Chairman.

Members of the subcommittee, my name is Robert Wright, a fourth-generation rancher in northeastern Nevada. I am currently chairman of the Public Lands Committee, of the National Cattlemen's Association. I am also a member of the executive committee of the Public Lands Council, and a member of the National Public Lands Advisory Council of the Department of the Interior.

I am presenting this statement today on behalf of the National Cattlemen's Association, Public Lands Council, and the National Wool Growers Association.

I submit this statement to you for the record. I will attempt, in the interest of time, to summarize it for you.

The Wild Horse and Burro Act was passed in 1971 because of expressed concern that these animals were fast disappearing from the American scene. The act was to provide protection, management, and control of wild horses and burros on public land.

The act succeeded in providing for the first goal—protection—but the two agencies have not been able to provide for the other two goals: management and control.

The act referred to sustaining existing herds in the areas where these animals were found at the time the act was passed. That would be in 1971. The Secretaries of Agriculture and Interior were directed to manage such animals so as to achieve and maintain a thriving natural ecological balance on the public land. The secretaries were to avoid overpopulation by removing horses and placing them in private maintenance or by destroying them in a humane manner.

The number of animals increased more rapidly than anyone anticipated, and shortly after the 1971 act was passed it became clear that the agencies were not able to control the populations in accord with the law.

One response to this problem was a provision in the Federal Land Policy and Management Act of 1976 allowing use of helicopters to facilitate removal of excess horses. This provision, however, did not address the problem of what the agencies were to do with the animals after they were removed from the range.

The central issue, as far as this proposed legislation is concerned, comes down to: Is it better to sell the horses or to destroy them, as the current law requires?

We believe it makes more sense to sell them.

There is another reason for this bill and that relates to the cost of the wild horse and burro program. The BLM and the Forest Service have spent nearly $36 million on the wild horse and burro program. In 1981 it cost $460 per animal to gather and dispose of excess animal. On that basis, $13.6 million would be needed to take care of just the current excess on BLM land, and that would not include any increased feeding costs if removed horses are held longer than usual.

The sale of animals, with the receipts to be returned to the wild horse program, would at least help alleviate this taxpayer cost.

The livestock organizations that I am representing here today support bill S. 457 with some changes. We believe this bill will strengthen the Wild Horse and Burro Act of 1971 and help that act achieve its original purpose.

We do have some suggestions on this legislation. On a technical point, S. 457 obviously is meant to supercede Public Law 92-195, as amended, but as currently written the bill does not repeal that law.

In repeating the language of Public Law 92-195, Senate bill 457, in section 10, inadvertently legitimizes the de facto expansion of wild horses and burros into areas where they did not exist in 1971.

Section 10 of Senate bill 457 should be changed to read, quote, "Nothing in this Act shall be construed to authorize the Secretary to relocate wild, free, and roaming horses or burros to areas of the public lands where they did not exist in 1971," unquote.

We believe that it is time to give the agencies a stronger mandate to remove excess wild horses and burros that are damaging the environment, with adverse effects on vegetation, water resources, wildlife, the agricultural resources of the West, and on even the wild horses and burros themselves.

At the present planned rate of removal, the agencies will never eliminate overpopulation or achieve the appropriate management level.

Therefore, we suggest that this legislation establish a maximum number of wild horses and burros that should be maintained on BLM Forest Service land and give the agencies a set time frame to achieve that number.

We believe that that appropriate management level should be at 23,000 head, and that the agencies be given 2 years to achieve that number.

In summary, we believe that sale of excess animals is a proper way to dispose of animals that cannot be placed in adoption. We believe that this proposal also offers a sensible way to provide for funds to operate the wild horse and burro program. We urge Congress to act promptly on this legislation.

[The prepared statement of Mr. Wright follows:]

Statement

of the

NATIONAL CATTLEMEN'S ASSOCIATION
PUBLIC LANDS COUNCIL
NATIONAL WOOL GROWERS ASSOCIATION

Before the

Subcommittee on Public Lands & Reserved Waters
ENERGY & NATURAL RESOURCES COMMITTEE

U. S. SENATE

Regarding

S. 457, Control of Wild Horses and Burros

Presented by

Robert Wright

Chairman
Public Lands Committee

National Cattlemen's Association

April 11, 1983

Mr. Chairman and members of the subcommittee:

My name is Robert Wright, a fourth generation rancher in northeastern Nevada. I am currently chairman of the Public Lands Committee of the National Cattlemen's Association. I am also a member of the executive committee of the Public Lands Council and a member of the National Public Lands Advisory Council of the Department of Interior.

I am presenting this statement today on behalf of the National Cattlemen's Association, the Public Lands Council, and the National Wool Growers Association.

The Wild Horse and Burro Act was passed in 1971 because of expressed concern that these animals were "fast disappearing from the American scene." The Act was to "provide protection, management, and control" of wild horses and burros on public lands. The Act succeeded in providing for the first goal--protection--but the two agencies have failed in providing for the other two goals: management and control.

The Act referred to sustaining existing herds in areas where these animals were found at the time the Act was passed. The Secretaries of Agriculture and Interior were directed to manage such animals so as to "achieve and maintain a thriving natural ecological balance on the public lands." The Secretaries were to avoid overpopulation by removing horses and placing them in private maintenance or by destroying them in a humane manner.

The numbers of animals increased more rapidly than anyone anticipated and shortly after the 1971 Act was passed it became clear that the agencies were not "controlling" the populations in accord with the law. One response to this problem was a provision in the Federal Land Policy and Management Act of 1976 allowing use of helicopters to facilitate removal of excess horses. This provision, however, did not address the "problem" of what the agencies were to do with the animals after they are removed from the range.

It is apparent that the agencies have failed to remove the numbers they admit are excess and Congressional dissatisfaction with the agencies' failure to control overpopulation of wild horses led to explicit language in the Public Rangelands Improvement Act of 1978 directing the Secretaries to immediately remove all excess animals from the public range and to destroy any removed animals that could not be placed in private maintenance. Despite this clear language, BLM in January, 1982 placed a moratorium on the destruction of healthy unadoptable horses.

No one disputes that the population of wild horses and burros has increased since the 1971 Act was passed. The agencies and informed resource experts say the present population at 60,000 wild horses and burros on BLM and Forest Service lands is causing severe resource damage.

However, there are still some people who are arguing over what should be considered "excess," who quibble over how accurate the present inventory count is, or who say that there should be more research on this or that issue before horses are destroyed.

These arguments evade the current law. The law does not say the Secretaries must have perfect information (who does?) before acting; it says they must act on the basis of current available information. The law does not give the Secretaries an option to delay removing animals that (based on current information) appear to be excess nor does the law give them the option of not destroying animals for which there is no adoption demand. (However, the agencies have not lived up to the law.)

BLM says that there are 56,800 wild horses and burros on BLM lands alone and these should be reduced to 25,000 animals. Toward that end, BLM says it will remove 9,000 excess animals in fiscal 1983. That may not be enough to keep up with the annual population increase. Whether this planned removal of 9,000 animals satisfies the law's requirement that the Secretary "immediately" remove the 31,800 animals which the agency implicitly admits are excess may be a matter for the courts to decide.

At any rate, it is unlikely that an adoption demand for 9,000 horses, or 31,800 horses, currently exists. In the 10-year history of the Adopt-A-Horse program, only 42,000 horses have been placed in private maintenance; in FY 1982, 7,000 horses were adopted.

The central issue, as far as this proposed legislation is concerned, comes down to: Is it better to sell the horses or to destroy them as the current law requires? We believe it makes more sense to sell them.

There is another reason for this bill and that relates to the cost of the Wild Horse and Burro program. The BLM and the Forest Service have spent nearly $36 million on the wild horse and burro program. In 1981, it cost $460 per animal to gather and dispose of excess animals. On that basis, $13.6 million would be needed to take care of just the current excess on BLM lands. And that would not include any increased feeding costs if removed horses are held longer than usual.

The sale of animals with the receipts to be returned to the wild horse program would at least help alleviate this taxpayer cost.

The livestock organizations that I am representing here today support bill S. 457 with some changes. We believe this bill will strengthen the Wild Horse and Burro Act of 1971 and help that Act achieve its original purpose.

We do, however, have some suggestions on this legislation. On a technical point: S. 457 obviously is meant to supercede Public Law 92-195 as amended but as currently written the bill does not repeal that law.

In repeating the language of P.L. 92-195, bill S. 457 in Section 10 inadvertently legitimizes the de facto expansion of wild horses and burros into areas where they did not exist in 1971. Section 10 of S. 457 should be changed to read: "Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they did not exist in 1971."

On another matter, the definition in Sec. 2 (c) for "range" appears to be more suitable as a definition for the wild horse "sanctuaries" referred to in Section 3 (a) rather than the more generic use of the word "range" elsewhere, such as lines 24 of page 5 and lines 3 and 4 of page 6. We don't think areas should be managed "principally" for wild horses except in such sanctuaries.

Finally, we believe that it is time to give the agencies a stronger mandate to remove excess wild horses and burros that are damaging the environment, with adverse effects on vegetation, water resources, wildlife, the agricultural resources of the West, and on even the wild horses and burros themselves. At the present planned rate of removal, the agencies will never eliminate overpopulation or achieve the "appropriate management level." We are sure that many Members of Congress are as frustrated as we are in getting the agencies to comply with the letter and spirit of the present law.

Therefore, we suggest that this legislation establish a maximum number of wild horse and burros that should be maintained on the BLM and Forest Service lands and give the agencies a set time frame to achieve that number.

BLM says that the appropriate management level is 25,000 horses and burros. We believe that 23,000 is a more appropriate level and we suggest, therefore, that the number be set at 23,000 animals and that the agencies given two years to achieve that number.

To accomplish this, definition Section 2 (f) should be changed to read: "'excess animals' means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area, or (3) which must be removed in order to reduce or to maintain the total population on such public lands to no more than 23,000 animals." Also, the following language should be added after the first sentence of Section (2) of S. 457; "Where on the basis of available information the Secretaries determine there are more than 23,000 wild free-roaming horses and burros on the total public lands administered by the Bureau of Land Management and the Forest Service, they shall immediately remove such excess animals; provided, however, they shall have until two years from date of enactment of this Act to reduce the population to 23,000 animals. Such actions..."

In summary, we believe that sale of excess animals is a proper way to dispose of animals which cannot be placed in adoption. We also believe that this proposal also offers a sensible way to provide for funds to operate the wild horse and burro program.

We urge Congress to act promptly on this legislation.

Senator WALLOP. Thank you, Mr. Wright.

Mr. BIDART.

STATEMENT OF MAURICE BIDART, CHAIRMAN, PUBLIC LANDS AND PASTURE COMMITTEE, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS, GARDNERVILLE, NEV.

Mr. BIDART. Thank you.

Mr. Chairman, members of the committee, I am Maurice Bidart, from Gardnerville, Nev., and I'm a member of the board of directors of the National Association of Conservation Districts, NACD.

NACD is a private nonprofit organization representing the nearly 3,000 conservation districts and their State associations in the 50 States, Puerto Rico, the Virgin Islands, and the District of Columbia.

Conservation districts provide assistance to over 2.5 million cooperating farmers and ranchers.

Because of the interrelationship between private and public lands in the West, conservation districts have become very much involved in some of the public land issues in that region.

We have been instrumental in implementing coordinated resource management and planning efforts in many grazing districts in several States. NACD's Public Lands, Pasture, and Range Committee, which I am the chairman of, is very much involved in working with the various Federal agencies on coordinated ranch planning concepts.

By definition, wild and free-roaming horses and burros are an issue on private lands as well as public lands. They do not recognize property lines very well. Our people recognize that wild horses and burros are an integral part of the western landscape. Their protection over the past years has been responsible for large increases in their numbers and has, in some areas, led to serious deterioration of range conditions.

Excess animals above the numbers which can be properly managed on native range should be removed and treated as humanely as possible. It is our understanding that under present law, those animals which are not adopted must be destroyed. It only makes sense to us to authorize the sale of these animals which are not adopted. Revenues from the sale of these animals should be used to repair the range environment which has been damaged by overpopulation.

Our association has been on record in support of the sale at auction of excess wild horses and burros. Since this matter was brought to our attention a few years back, we have followed the issues and our national council has formulated its position, following full debate by representatives from all States.

Most of the other proposed amendments in this bill relate to the proper administration of the wild horse and burro program within the framework of the multiple-use management plans for the public lands. We support these amendments.

In addition to this statement, we wish to associate with the statement of the American Forestry Association who has studied the issues in detail.

Mr. Chairman, we support the provision of S. 457 and recommend its passage.

Thank you for this opportunity to be present.

[The prepared statement of Mr. Bidart follows:]

NACD

STATEMENT
of the
National Association of Conservation Districts
before the
Subcommittee on Public Lands and Reserved Water
Senate Committee on Energy and Natural Resources
by
Maurice Bidart, Member, Board of Directors
April 11, 1983
on
S.457, an act to require the protection, management and control of wild free-roaming horses and burros on public lands

Mr. Chairman, members of the Committee:

I am Maurice Bidart, Gardnerville, Nevada, and a member of the Board of Directors of the National Association of Conservation Districts (NACD). NACD is a private, non-profit organization representing the nearly 3000 conservation districts and their state associations in the 50 states, Puerto Rico, the Virgin Islands and the District of Columbia. Conservation districts provide assistance to over 2 1/2 million cooperating farmers and ranchers.

Because of the interrelationship between private and public lands in the West, conservation districts have become very much involved in some of the public land issues in that region. We have been instrumental in implementing coordinated ranch planning efforts in many grazing districts in several states. NACD's Public Lands, Pasture and Range Committee, which I chair, is very much involved in working with the various federal agencies on coordinated ranch planning concepts.

By definition, wild and free-roaming horses and burros are an issue on private lands as well as public lands. They do not recognize property lines very well. Our people recognize that wild horses and burros are an integral part of the western landscape. Their protection over the past years has been responsible for large increases in their numbers and has, in some areas, led to serious deterioration of range conditions.

Excess animals, above the numbers which can be properly managed on native range, should be removed and treated as humanely as possible. It is our understanding that under present law, those animals which are not adopted must be destroyed. It only makes sense to us to authorize the sale of these animals which are not adopted. Revenues from the sale of these animals should be used to repair the range environment which has been damaged by overpopulation.

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Most of the other proposed amendments in this bill relate to the proper administration of the wild horse and burro program within the framework of the multiple use management plans for the public lands. We support these amendments.

In addition to this statement, we wish to associate with the statement of the American Forestry Association, who has studied the issues in detail.

Mr. Chairman, we support the provisions of S.457 and recommend its passage. Thank you for this opportunity to present the views of our association.

Senator **Wallop**. Thank you, Mr. Bidart.

Mr. Gilmore.

STATEMENT OF STEVEN GILMORE, COMMISSIONER OF AGRICULTURE, STATE OF UTAH

Mr. **Gilmore**. Mr. Chairman, members of the committee, I am Steven Gilmore, Salt Lake City. I am Commissioner of Agriculture in Utah. I am the vice chairman of the board of the National Wool Growers Association, and I am a range sheep operator in Utah.

This is the statement representing our statement on behalf of our Governor.

The State of Utah is in support and would strongly urge the passage of Senator James McClure's Senate bill 457 which alters the Wild Free-Roaming Horse and Burro Act of 1971.

We recognize that the wild horse and burro are a part of our American heritage and support the continued management of the program. Passage of this proposed legislation will provide for the continued management and protection of our rangeland resources, while at the same time maintain viable wild horse and burro populations.

Our reasons for this support: Section 3(a) of the proposed legislation allows for consultation with appropriate State and Federal agencies, other than only State wildlife agencies, before an area may be designated as a wild horse or burro range. This provision will allow agencies with additional expertise and knowledge to be involved in the decisionmaking process for the best multiple-use management of our public lands.

Section 3(b)(2)(B) of the proposed legislation allows for continued adoption of four animals by one individual per year, along with the addition of the requirement to establish regulation for the adoption fees. We support this provision because it allows for flexibility in the program while at the same time maintaining a viable adoption program.

Section 3(b)(2)(C) of the proposed legislation allows for the sale at public aution all wild horses and burros for which a demand for adoption does not exist. This provision will allow for greater flexibility in the program and will eliminate undue expenses that have been incurred by the Federal Government for maintaining and feeding animals that have not been adopted.

It has been estimated that it is costing the Federal Government $2,500 per day to feed approximately 1,200 head of horses that have not been adopted at this point. This provision would certainly lessen this type of financial impact.

Section 3(b)(2)(D) allows for the revenue collected from the sale or adoption of excess wild, free-roaming horses and burros to be deposited in a special account and used as reimbursement for the cost related to the management and habitat improvement of the program.

We would certainly support and encourage the revenue collected to be used in this manner which would help to improve our rangeland resources for wild horses and burros as well as domestic livestock and other wildlife, rather than being eaten up in the feeding expenses of unadopted wild horses and burros.

Section 9 of the proposed legislation also allows for greater flexibility in the program by allowing other Federal land management agencies the authority to use helicopters and motor vehicles in the enforcement of the Act.

We support this provision because of the increased flexibility it brings to the program and allows for additional support and efficiency in the management of the act.

Senator WALLOP. Thank you, Mr. Gilmore.

Mr. Ross.

STATEMENT OF BILL ROSS, PAST PRESIDENT, OREGON CATTLEMEN'S ASSOCIATION, JORDAN VALLEY, OREG.

Mr. ROSS. My name is Bill Ross. I am a past president of the Oregon Cattlemen's Association, past regional vice president of the National Cattlemen's Association, and am speaking on behalf of the Oregon Cattlemen's Association today. I am a cattle rancher in eastern Oregon; I am also a horse breeder.

I would like, with your permission, Mr. Chairman, to depart from my written testimony, it's a matter of record, and I would like to make some personal comments about the things I've observed in wild horse——

Senator WALLOP. By all means; your written testimony will be in the record.

Mr. ROSS. Thank you.

In our area in eastern Oregon, we have a large number of wild horses. On my personal range, or the BLM area that I use, we don't have any, so I'm not directly impacted, but many, many of my neighbors are.

To give an illustration, in one grazing unit in our area, in 1971 when the law came into being, there were, by BLM count, 61 head of wild horses. In the fall of 1981, they took off 350 and left 250, and they are multiplying again.

Now, in 1981, it was extremely dry in that area and there were very few sources of water. As a matter of fact, at that time, there were only two sources. One of them was on deeded land, a free-flowing creek, a good creek; the other was a spring on BLM land, and without access to the private land, many, many of the horses would have died.

You know, it's not a pleasant thing to see horses get thirsty, or any animal. At that time, at that little spring it was very nearly dry and there were 175 or more horses trying to water there. The water seeps out of a sandstone bluff and those horses stand there all day and lick that, trying to get water, and naturally the stronger ones get some, the others don't, and they die and they get very, very bad off.

The reason that this situation occurred was simple: the district BLM office didn't have funds to take the horses off. By calling Director Burford, and we did get some relief, and immediately they had funds and they were able to do something.

But then they face the situation of disposing of these horses. They have to adopt them out and, you know, that isn't a very realistic program, actually. You can give away the nice horses—as the BLM calls them, the "ice cream horses," the ones that are attractive because of color or conformation, or age, but when you get to those older horses, what are you going to do with them? You know—and it isn't right that they should be given away. Those old studs, 20 years old or so—well, imagine giving someone a bull elk—they are equally wild and they are equally dangerous. Most people aren't equipped to take care of them, in the first place, and they darned sure don't have the know-how to take care of them, in another. So they have those horses left over.

Last year, last fall, in our area, in western Idaho, eastern Oregon, I know of at least 250 horses they weren't able to adopt so they used up all the funds available to feed those horses, rather than taking more off the range. Consequently, we have an explosion in the population, and you can't blame the BLM, they have only so much money to work with. They find that it's cheaper to leave the horses on the range than it is to gather them, because they can't afford to feed the ones that are unadoptable. So we definitely need a way to dispose of those horses.

You know, another thing that bothers me is the fact that BLM has gotten in the horse-breeding business. They do, on occasion, transfer horses from one unit to another for breeding stock. I know, in this instance, they took some spotted horses from one area and took them to another area to provide breeding stock so their horses would be more adoptable.

That's OK, but in the purest sense, I don't think it is. We are talking about something that is supposed to be a wild animal, and I don't believe that that really fits the category.

Thank you very much. I appreciate your time.

[The prepared statement of Mr. Ross follows:]

Statement of

Bill Ross
Past President
Oregon Cattlemen's Association

Before the Subcommittee on Public Lands and Reserved Water
Committee on Energy & Natural Resources

U. S. SENATE

April 11, 1983

Mr. Chairman:

My name is Bill Ross. I am a rancher in Oregon and I am presenting this statement on behalf of the Oregon Cattlemen's Association.

We support the provision in bill S. 457 authorizing the Bureau of Land Management and the Forest Service to sell at public auction any horses or burros that cannot be placed through the adoption program. The Adopt-A-Horse program hasn't been able to provide an outlet for all of the horses and burros that need to be removed from the public range and we believe the agencies should be able to sell those they cannot find adopters for and use the revenue in the wild horse and burro program.

We have some suggestions on additional actions that could be taken to strengthen the wild horse and burro program. We believe the bill should state that the maximum number of wild horses and burros allowed to graze on the public lands be no more than the 1971 population of unbranded wild horses and burros. This was the intent of the Wild Horse and Burro Act of 1971.

We also believe that when a person adopts a wild horse or burro, he should immediately receive clear title to that animal. At present, BLM spends a lot of money checking on adopted horses which could be better spent in an effort to reduce horse numbers to an acceptable level.

One of the largest costs in BLM's horse program is the cost of removing excess animals ($1.3 million in FY 1982). These costs could be reduced if the agency would contract for the round-ups.

We support other provisions of this bill and feel this legislation will be helpful in reaching the goal of removing those excess animals that currently are having such a detrimental effect on the western rangelands. It will also help reduce the public subsidy of the wild horse program.

We appreciate this opportunity to provide our comments on this important issue.

Senator WALLOP. Thank you, Mr. Ross.

Mr. Stientjes.

STATEMENT OF MICHAEL J. STIENTJES, ASSISTANT DIRECTOR, NATIONAL AFFAIRS DIVISION, AMERICAN FARM BUREAU FEDERATION

Mr. STIENTJES. Mr. Chairman, the Farm Bureau supports passage of S. 457.

Wild horses and burros may once have been in danger of disappearing from the western rangeland, but that is certainly not the case today. They are now thriving to the point where they number in excess of 50,000, according to the BLM. Some estimate their numbers to be closer to 70,000, and I have heard numbers even as high as 100,000 given.

In any event, it is clear that they number far in excess of what is manageable and what is acceptable for multiple-use range conditions and cost to the taxpayer.

The problem of overpopulation has been with us now for a number of years. In 1978, amendments to the Wild and Free Roaming Horse and Burro Act were included in the Public Range Land Improvement Act, requiring the immediate removal of excess animals to protect the public range lands from further deterioration associated with these excessive numbers.

It was hoped that there would be sufficient interest around the country in adopting the excess animals so that their numbers could be readily managed and none would have to be destroyed.

The number of people willing to adopt these animals has not been sufficient. Interest in adopting these animals has been particularly low during the recent period of economic recession, and today the Bureau of Land Management has about 1,500 of these animals in their adoption centers at a cost of $2,400 per day in feed alone. The cost of maintaining these animals is now consuming the bulk of the total funds BLM has to manage the exploding wild horse and burro population on the range.

The BLM and the Forest Service have been hamstrung in the management effort by other limiting and costly restrictions of the 1971 act. In particular are the unreasonable restrictions on the methods of roundup and the cumbersome requirements of the adoption program.

While 42,000 animals have been placed under the adoption program since 1973, the BLM estimates that there are still more than 30,000 animals that need to be removed from the range. So long-term solutions are needed which will permit the effective management of wild horses and burros, the same as in the case of domestic livestock.

Farm Bureau believes passage of S. 457 will significantly improve the wild horse and burro management program. The most significant feature of this legislation is the authority for BLM and the Forest Service to sell, rather than destroy, unadoptable excess animals with the proceeds being returned to the wild horse and burro management program.

We also support the bill's provisions establishing the Wild Horse and Burro Committee, the use of helicopters and motorized vehicles in the roundup process, and the automatic titling after 1 year if no complaints are received. All of these changes in the act are necessary and desirable to make the program administration effective and cost efficient.

Unless something is done, the wild horse and burro populations will become so excessive that the range and all others using it, including ranchers and true wildlife, will be severely damaged.

Thank you for this opportunity to appear today.

Senator **WALLOP**. Thank you very much.

Ms. Ingram.

STATEMENT OF EVANGELINE INGRAM, CHALLIS, IDAHO

Ms. **INGRAM**. Mr. Chairman, we thank you for the opportunity to speak to you today.

My name is Evangeline Ingram. I represent my family from Challis, Idaho.

We believe we have some qualifications for talking on the subject. We have been raised around horses and we love and appreciate horses, both wild and domestic.

We have also spent our lives close to nature and we realize the responsible care that we must give our whole ecological systems.

We are taxpayers in a county that is 95 percent Government owned, and we also have a herd of wild horses in the hills right directly behind my home. We have seen these wild horses increase five times over since 1971.

But the subject we are addressing is not just wild horse and burro management. It is the entire proper multiple use management of our natural resources.

Dr. Floyd Frank, dean of veterinary science, from the University of Idaho, and a 5-year member of the National Wild Horse and

Burro Advisory Board, has said, and I quote, "The range lands are a natural resource. The Wild Horse and Burro Act, in its present form, is a major obstacle to proper management of that resource."

Wild horses do need protection and this they were granted, but now the pendulum has swung too far in the other direction and we have created other problems. The main value of a wild horse is its esthetic value and as the numbers increase, this esthetic value decreases.

My main purpose in coming here today was to encourage you to read our entire statement and, in particular, I wish that you would especially look at exhibit A, which is attached to the back of our statement.

It is memorandum No. 4700, written by our local BLM office. The subject is "Wild Horse Impact on Wildlife, Range Management Practices in the Challis Area." It states that wild horse numbers are far above management levels, that the wild horse requirements exceed those of wildlife and domestic animals.

Controls are kept on all the users of the area except the wild horses, and it goes on to list major conflicts occurring with wildlife, vegetation manipulations, rail lands, and management plans.

This memorandum specifically mentions major conflicts with antelope, sage grouse, elk, and mule deer, these same wildlife are controlled by hunt harvesting.

There is no predators for wild horses and no natural control except starvation.

Neighbors of ours have seen wild horses that have eaten each other's manes and tails in an effort to stay alive. Is that really humane?

The Idaho Fish and Game Department shows an antelope fawn survival rate in the wild horse area of 10 to 25 fawns per 100 does. In contrast, the area just across U.S. 93 where the only significant difference is the absence of wild horses, the survival rate is 4 to 6 times greater, or 50 to 80 fawns per 100 does.

In Challis, we have a Challis stewartship group, created under section 12 of your Range Land Improvement Act. We have invited all parties with an interest in the public lands in our area to sit down at one table and resolve problems. Members that we have invited, among other, include the Idaho Fish and Game Department, the Wildlife Federation, University of Idaho, American Horse Protection Association, Soil Conservation Service, U.S. Forest Service, and BLM, and the American Humane Society.

We have had success with every problem except wild horse management. This failure in this area is due to lack of cooperation and nonattendance by those groups who say they represent the wild horses.

And even though we are, hopefully, going to have some wild horse management, we are told there is insufficient funding and too many unadoptable horses.

In summary, I wish to state that we in the Challis area have patiently waited for 7 years for effective control of wild horse numbers. Our patience wears thin. Our resources have suffered for 7 years.

The Nation has given our professional land managers of U.S. Forest Service and the Bureau of Land Management the full responsibility of managing our Federal lands, but we have tied their hands by not giving them enough authority. This Senate bill 457 will help.

And I wish to leave you with one closing question: Do we manage our resources by emotions and sentimentality, as we have in the case of the wild horse herds, or shall we be responsible citizens and manage our resources by good stewartship for present and future generations.

[The prepared statement of Ms. Ingram follows:]

STATEMENT OF

WILL INGRAM FAMILY

HC61 BOX 3020

CHALLIS, IDAHO 83226

ON S. 457

MAY 11, 1983

Before the Senate Committee on

Energy and Natural Resources

Washington, D. C.

Following are the nine main points I wish to make. For additional information on each topic see the corresponding number on the succeeding pages.

1. The subject we are addressing is not merely wild horse and burro management - it is the proper, multiple use management of our natural resources.

2. The multi-faceted concept of the Challis Stewardship program has proven very effective in our area. Our one failure has been management of the wild horse herd due to lack of cooperation from those who represent the wild horses.

3. In our state of Idaho and particularly our county, we have our lives and concerns invested inthe land which belongs to all user groups.

4. The tax burden on our nation has become unbearable and we must be responsible citizens and not be negligent by failure to take action.

5. Higher adoption fees have proven to have negative effects on management - flexibility is needed.

6. Permittees have complied with regulation, wild horse management has not.

7. Humane societies across the nation have always had the option of disposal of unclaimed, unwanted animals by the most humane manner possible. Federal land managers deserve the same option.

8. Let us look into the future and see the results of the lack of management of wild horses.

9. We in the Challis area have waited seven years for effective management of wild horses. Our patience wears thin.

1. The subject we are addressing is not merely wild horse and burro management - it is the proper multiple use management of our natural resources.

Dr. Floyd Frank, Dean of Veterinary Science, University of Idaho, and a five year member of the National Wild Horse and Burro Advisory Board has said, "The Rangelands are a natural resource. The Wild Horse and Burro Act, in its present form is a major obstacle to proper management of that resource."

If we are to be a responsible people, the care of our land must give due consideration to all the components of soil, vegetation, watershed, wildlife, recreation, timber, minerals, wild horses, historical preservation, economics, livestock and also the impact that any management system has on the local people. Wild Horses are an integral part of this system but they should not hold the priority position they now occupy in the Challis, Idaho area. We in Challis would be among the first to say that wild horses need protection. This they were given by the Wild Hose and Burro Act of 1971. The court injunction of 1976 preventing adequate roundups has given the wild horses overprotection without any consideration for the other component parts of the ecological system.

The basically uncontrolled Wild Horse herd at Challis has major adverse impacts on wildlife, vegetation, soils, management plans, watershed and economics.

We offer memorandum #4700 (see attached Exhibit "A") written by our local BLM office as evidence that the wild horse population is and has been "... far above management levels, and lives on the Challis Unit year round, competition will be severe. Wild horse requirements exceed those of cattle and wildlife."

The memorandum continues on to enumerate serious competition with antelope, sage grouse, elk and mule deer. These same wildlife are controlled through harvest. Such has not been the case with the wild horses who seemingly hold a "sacred cow" status in Challis.

Bob Autenreith, a principal wildlife research biologist with the Idaho Fish and Game Department, observed the disturbing fact that the wild horse area of the Challis management Unit produced only 13 fawns per 100 does. For comparison 75 or more is good, 50-75 is fair, and under 50 is poor. "Thirteen has to be a disaster". Thus began his three year study. See Exhibit "B". "...it was not too surprising when we found the most significant competition between antelope and wild horses related to the tremendous range abuse caused by the year round horse use." Our own personal observation of the area in this Autenreith study shows that just across the highway where the only significant differance is the absence of Wild Horses, the fawning rate is four times greater.

The Draft Supplement to the Challis Environmental Statement of the Challis Unit, P. 2-44, states that most wild horse bands do not move over 4 square miles during any season or time. Lifelong residents of our county feel that this concentrated horse use, twelve months of the year, coupled with the fact that wild free roaming horses are continually on the move (trampling vegetation in addition to consuming it) creates a damage to the range far exceeding any other animal. Early spring grass is especially grazed hard and closer by horses even to the extent of pulling up the whole plant, root and all, while moisture remains in the soil from snow melt. Domestic livestock in our area are held off public ranges during critical early plant growth, usually until seed ripe time. To further improve range conditions, most allotments have a rest rotation plan. Domestic livestock are the only consumers of vegetation that can be controlled in this manner and have long been recognized by range scientists as a major tool in range improvement.

"Exhibit A" also details how excessive numbers of wild horses have nullified the effects of seedings, chaining and burns which were done to benefit wildlife, livestock and wild horses. Here again, livestock were withheld from grazing but wild horses virtually camped out on the new green growth.

Granted wild horses do have an aesthetic value but as their numbers increase, this value decreases. One outside visitor to Challis said, "I'd rather see a few horses well cared for than greater numbers of horses eating themselves out of house and home."

2. The multi-faceted concept of the Challis Stewardship program has proven very effective in our area. Our one pressing failure has been the inability to manage the wild horses due to lack of cooperation from those who stopped control by a Washington D. C. court injunction.

Necessity is the mother of many inventions and the "Challis Stewardship Group" was born of necessity. The Challis Environmental Statement published in 1978 left permittees facing up to 64% reductions for grazing. Something had to be done. The permittees did not agree with the document nor its conclusions, but we were in effect to "like it or lump it". If a rancher is anything, he's independent but this was an emergency and the normal way of doing business was not getting the job done. We met, we talked, we telephoned, we asked for ideas, we looked to see what others had done. The end results were a crowded meeting at the Village Inn of ranchers and their congressional representatives from the national and state level. We are grateful for their listening and acting. Especially timely was Senator Church's help in drafting Section 12 of the Public Rangelands Improvement Act. The wording of which was hammered out in that Village Inn meeting.

We laid the plans for an informal group composed of interested parties setting down at one table to alleviate the impact of the grazing reductions imposed by the ES. I clearly remember two opposing ideas. One being to limit the membership to those groups who were co-operative and had their basic interests in our welfare. The opposing idea was that we'd have to meet the uncooperative forces who did not care one whit about us or our area head on sooner or later. The latter idea won out and we included any group whom we thought could possibly throw a monkey wrench in the works, at some point in time. This group has met many, many times for over three years. The basic philosophy being to gather all opposing parties at one table, call in more expertise when needed, and get to work.

A change of attitudes from that of being adversaries into one of cooperators has been key to the success of the Challis Stewardship Program. "Stewardship's" ultimate goal is to arrive at solutions which will best serve the natural resource of the land. Dr. Lee Sharp, Dean of the Range Science Department, University of Idaho has to take the credit for being the force most responsible for the Challis Stewardship successes.

Our main failure has been with the wild horses. There are several Wild Horse groups and more than one humane society. We have had very, very limited attendance and no co-operation from wild horse groups responsible for our wild horse problem. It is my belief that no person or organization has the inborn right to criticise without also being held responsible for the consequences.

Another essential ingredient for our Stewardship success has been that if we are going to have to live with the consequences of a decision we have to have the authority and flexibility at the local level necessary to analyze local and ever changing conditions.

We've patiently and not so patiently waited for six years for wild horse control. This last year when it looked as though we might be able to gather horses for adoption, we were told by the BLM that they would not gather horses because they could not place them all out at adoption and that to feed and keep the unadoptable ones was too expensive, also they would not destroy the unwanted animals. No rancher or member of that committee to my knowledge is in favor of destroying any of these animals, even though this is standard proceedure practiced by the very humane societies who have been responsible for our unmanageable horse numbers. The BLM needs the authority to sell the unadopted horses, with the proceeds being used to undo some of the land and vegetation losses that have occurred with overpopulated horse numbers.

3. In our state of Idaho and particularly our country, we have our lives and concerns invested in the land which belongs to all user groups.

Probably the most revealing statement about our residents is their high percentage of families who have lived here for two to five generations and who have a strong attachment to and love of the land, wildlife, aesthic values and recreation. No person I've met wants to see the demise of our Wild Horses. We can however be sane and sensible.

A few facts about our Custer County, Idaho:

Large Size
Low population
95% Government ownership of land
5% Private land ownership as a tax base to support the county
High elevation, mountainous desert
Short growing season
7-11 in. annual precipitation
Small agricultural community
New molybedehum mine which may or may not open for production
Anadramous fish
Big game
White Clouds Issue over mineral deposit in scenic area
Proposed National Park turns National Recreation Area
Costly $5,000,000 Environmental Statement
Ranchers need private lands to produce winter feed so it is necessary to utilize the annually renewable grass resource as summer feed for livestock.

4. The tax burden on our nation has become unbearable and we must be responsible citizens and not be negligent by failure to take action.

Unadoptable horses are too costly to keep. Adoption time needs to be short. I don't think humane societies investigate people who adopt their animals, nor do they follow up on their care. Their rules ought to be fair for others.

Seventy nine horses in Boise, Idaho cost $2700 per month to keep.

A winter overhead cover was constructed in Idaho Falls to protect wild horses from the elements.

We can't afford these type to expenses even inthe best of economic times.

5. Higher adoption fees have proven to have negative results on management practices.

Higher adoption fees left too many unwanted horses with no place to go, so they are being left on the range.

Due consideration must be given to the people in private business who raise horses as a living.

Once wild horse numbers are down to a manageable level, their impact on the private horse businesses should be alleviated.

6. Permittees have complied with regulation, wild horse management has not.

Untold amounts of time and money have been spent in developing and implementing AMP's. Permittees have taken cuts averaging 37%. They have cost shared improvements ofwater, fences and other range practices which benefit all users including wildlife and wild horses.

On our own families' permit we have a co-op agreement with the BLM in which we have jointly shared in the building of a 1200 acre holding pasture. This was seeded to grass and 300 acres is irrigated three times each year by our own sprinkler lines.

This holding pasture will be used for thefirst time this year after three years work. It's purpose is to keep the livestock off the range in the early spring, the very range which the horses have been allowed to multiply on for over six years.

It is very discouraging to see cooperation and contribution by permittees, BLM and others while at the same time observing non-cooperation and non-contribution by those who can spend a mere $25 to file a court injunction in courts far removed from the subject matter and have little actual knowledge of the true situation.

The expanding boundaries of the wild horses is in violation of PL.92-195.

7. Humane Societies across the nation have always had the option of disposal of unclaimed, unwanted animals by the most humane manner possible. Federal land managers deserve the same option.

Overpopulation of wild horses creates the potential for starvation. Many old time residents have seen starving horses who have resorted to eating each others manes and tails in an effort to keep alive. Is this humane? There has been an impractical emotional approach to a serious problem, with eastern courts making decisions on western problems. The BLM has been handed full responsibility and no authority in managing wild horses. Professional land managers deserve better than this.

8. Let us look into the future and see the results of the lack of management of wild horses.

Expanding boundaries
Serious Wildlife conflicts
Wild Horses have no natural control, other than starvation.
Depletion of vegetation
Soil Erosion
Fisheries Habitat damage
Reduced livestock forage with economic impact on local economy.

Our neighbor rancher/lawyer Jim Bennetts has stated that in the final analysis what's at stake is the land and that its ability to produce anything all may be perpetually lost.

9. We in the Challis area have waited seven years for effective management of wild horses. Our patience wears thin.

UNITED STATES GOVERNMENT
Memorandum
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:
4700

To : Alan Brock, Solicitor, BLM

Date: February 8, 1983

From : Don Smith, Ben Garechana (Salmon D.O., BLM)

Subject : Wild Horse Impacts on Wildlife and Range Management Programs

The BLM manages the public lands in the Challis Planning Unit under a multiple use concept with cattle, wildlife, and wildhorses being the main users. Under this concept numbers for all three users are determined by allocation of available forage needed to support each user.

Cattle numbers are managed and controlled through an allotment system that confines them to certain pastures within an allotment for a specified time during the grazing season. In the larger allotments, a grazing system is set up that provides rest in each pasture on an alternating basis.

Wildlife numbers are managed by the Idaho Fish and Game Department and are controlled through hunter harvests. Wild horses are managed by the BLM with herd management plans forming the basis for management actions. Wild horse numbers are controlled only by periodic roundups. All three users inhabit the same areas within the planning unit. Both cattle and wildlife numbers have been controlled but wild horses have not been controlled because of the court action in Washington D.C. beginning in 1976, preventing roundup of adequate numbers to reach management levels.

In the fall of 1979 BLM counted between 650-700 wild horses on the Challis Unit. Later that fall and in 1980 BLM was allowed to roundup and adopt out 150 and 300 horses respectively. These roundups reduced horse levels to 320 head. BLM has not been allowed to make further roundups. As of August 20, 1982 horse numbers have increased to 420 head and have the potential to increase by 10-15 percent per year. If these numbers are allowed to increase, the negative impacts already occurring will even cause more major impacts on wildlife, cattle, and the vegetative resource itself.

Competition for Existing Forage

One of the major impacts is problems caused from competition for existing forage. Competition generally takes the form of dietary overlap between the three users. The degree of competition depends upon population levels of the three users and season of use. Since the horse population will be far above management levels and lives on the Challis Unit year round, competition will be severe. Wild horse requirements exceed those of cattle and wildlife.

The increasing horse population has increased competition for space on antelope historical fawning/spring range and winter range. The horses have caused increased use on sage grouse nesting areas and winter range. Increased horse use is occurring on elk and mule deer spring, summer, and fall range in the

DSC-1841-2
Mar. 1974

Exhibit "A"

Bear and Mosquito Creek drainages. No problems existed in the area until numbers exceeded 400 horses. The increased horse numbers caused horses to move into the two drainages where they had not occurred earlier. Increasing numbers of horses now utilize the Willow Creek Summit elk winter range. This was common prior to 1979 when numbers were close to 700, but did not occur from 1979 to 1982 when horse numbers were reduced to the 320 level. Horse use has also increased on the mule deer general and critical winter range from Road Creek north to Malm Gulch east of the Salmon River. Riparian zones have also received increased horse use creating competition with non-game species.

Implementation of AMP's

A second major impact involves implementation of six allotment management plans (AMP's) located in the Challis Herd Management Area (HMA). One of the objectives of each AMP states that wild horse numbers will be reduced to an AUM level enumerated in the Challis Final Supplemental Environmental Statement (FSES). As a result of the hearing and appeal held in the District Court of the District of Columbia, the allowable horse numbers are still being negotiated but will probably be somewhat higher than the 150 head proposed in the Challis FSES. The numbers in the six AMP's are based on the 150 head population level.

The Salmon District Manager in his decision of August 1, 1979 issued grazing reductions of up to 64% to thirteen permittees running cattle on the six allotments mentioned above. Ten of these thirteen permittees appealed the District Manager's decision. BLM signed cooperative agreements with these permittees agreeing to the following: implement grazing reductions over a three year period, complete certain range improvements outlined in the AMP's, and reduce the wild horse population to manageable levels over the three-year period. The permittees in turn agreed to take reductions and abide by the grazing systems in the AMP's. If the BLM did not complete its part of the agreement, the permittees could appeal the grazing decisions after the end of the 1982 grazing season. BLM has not reduced horse numbers significantly below the 1979 levels and therefore has not kept up its part of the agreement. The permittees could legitimately appeal the decisions and some are ready to do so. If these permittees do appeal and win, they could get all of their AUM's back. At this point implementation of grazing systems would be meaningless with the increase in cattle and wild horses further depleting the range. The hundreds of thousands of dollars used to improve the range will have been wasted.

Implementation of Vegetative Manipulations

BLM's inability to control horse numbers has and will continue to be detrimental to the Challis Planning Unit's on going vegetative manipulations program. As part of this program BLM has completed five prescribed burns (covering about 2,600 acres), one 1,200 acre holding pasture, and one 300 acre chaining and seeding within the herd management area. These burns and seedings were put in to benefit wildlife, cattle, and wild horses and along with the springs developments and fences would provide better distribution of all users.

Thousands of dollars were spent to develop these range improvements. BLM policy states that these burns and seeding are to be protected from both livestock and wild horse use for two growing seasons. The two seasons would allow an adequate stand of vegetation to become established. The BLM has been able to keep cattle off of these projects because of good cooperation from ranchers, but unfortunately, the BLM has not been able to prevent excessive numbers of wild horses from using the seedings and prescribed burns. The horses are attracted by the succulent, green vegetation that establishes during the first year. This occurred in the spring and summer of 1982 when 60 horses remained on a 1,400 acre prescribed burn (burned in 1981) for several months and completely denuded the vegetation on several hundred acres of the burn.

If no limits are established on wild horse numbers, BLM will have to curtail prescribed burning and seeding projects. The excessive horse numbers are jeopardizing the success of these vegetative manipulations and the potential incentives for the other users. The Challis Experimental Stewardship Group, which represents all users, considers these vegetative manipulations to be one of the best ways to improve range conditions on the Challis unit. The group blames the increasing numbers of horses as being a deterrent to good stewardship and improvement of the range.

Horse Use of Rest Pastures

The increasing numbers of horses has caused problems with rest rotation grazing systems which depending upon the system, rests one to several pastures within an allotment each year. This system has been implemented on five of the six allotments in the Challis wild horse Herd Management Area. The BLM cannot keep horses out of the rest pastures even though fences separating pastures do exist on some allotments. The success of the grazing system in part relies on the rest pasture not receiving use by livestock or wild horses. Controlled wild horse numbers is the only way that BLM can ensure that heavy use will not occur in rest pastures.

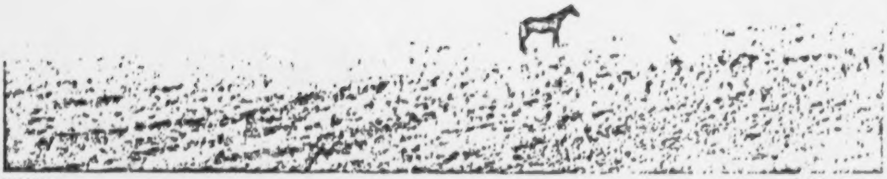
Use of Malm Gulch and Frail Lands

The BLM and the Challis Stewardship Group are concerned about the heavy horse use on the Malm Gulch and Frail Lands which were closed to all grazing in 1965 and 1979 respectively. The two areas were closed to grazing because of the very sparse vegetative cover and the extreme erodibility of the fragile soils which caused considerable amounts of sediment to be deposited into the Salmon River during spring and summer floods. The BLM removed most of the horses from these two areas, but with the increasing population, many horses have moved back into those areas thus prolonging if not accelerating the erosion process. Livestock have been removed from these areas for several years. A little over 12,000 acres is involved.

In summary, the answer to sound multiple use management is setting and maintaining population levels for wildlife, cattle, and wild horses in order that each can survive within the system. No one user should be allowed to increase beyond manageable levels at the expense of the other users of public lands within the Challis Planning Unit. When range production/condition increases to the point where excess forage is available, the excess will be given to all species including the wild horses. Therefore as the range responds to good management in the future the wild horses will benefit as well as livestock and wildlife.

Exhibit "B"

Idaho
Wildlif
may/jun 1982 ·

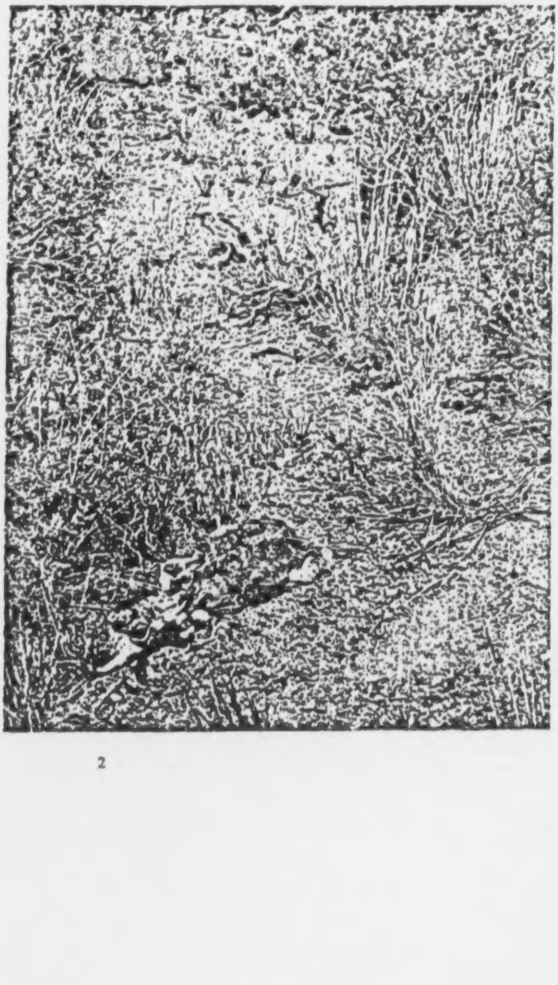


Wild Horse

Bob Autenrieth

WHOSE HOME

Antelope fawns are left exposed to predators once their cover is ground into the soil by too many grazing horses and other livestock.



Antelope
Bob Autenrieth

Antelope fawn *Bob Autenrieth*

ON THE RANGE?

By Bob Autenrieth

OK, let's say you are a wildlife research biologist who has just completed 60 hours of flying in a helicopter to classify over 5,000 antelope. You were disturbed to find one of the management units produced only 13 fawns per 100 does. Your experience with other units has shown that 75 or more fawns per 100 does is good production, 50-74 is fair, under 50 is poor. Thirteen has to be a disaster.

So what do you do? Ask yourself why the low production, naturally, and if you work for an agency charged with perpetuating Idaho's wildlife, you set out to get the answers.

Thus the stage is set to study the troubled antelope population southwest of Challis on a tributary to the East Fork of the Salmon River. The cast of characters includes antelope, wild horses, livestock and predators in the starring roles. The Fish and Game Commission closed the season in 1978 to prevent further population decline through hunter harvest. The study begins with a mandate to determine why the antelope herd is declining so dramatically.

Just getting to the study area in May 1978 proved to be one of the most difficult parts of the study. A long and uncomfortable night in my camper trailer, tilted about 45 degrees in a barrow pit, introduced me to the gumbo mud of the East Fork roads. However, by early June we had become accustomed to the demands of this new area (if not the cold, wet weather) and had attached radio transmitters on 14 newborn fawns with the intent of monitoring their progress through the summer. In 1979 we radio collared another 25 fawns and in 1980 an additional 21 were fitted with the solar powered necklace.

Fortunately I had hired youthful biological aides to do much of the footwork required to radio track in this hilly country. They were always on their toes since it was not uncommon to have close encounters four or five times a day with rattlers. Monitoring each fawn daily until it was a month old kept us busy. (Fawns spend most of their first month bedded down, only getting up and being active when the mother comes around three to four times daily to nurse, exercise, groom and move her fawns to a new bed location.) In addition to sighting each bedded fawn, we flagged the location so we could find the same spot later to measure the vegetation cover selected by the fawn for its bed.

Once we had the airways full of the beeps from transmitters on fawns, we turned our attention to the more than 700 wild horses. (They are not truly wild but were either turned loose or escaped the miners and ranchers in the early 1900s.) It was natural to assume the horses were at least a part of the reason why the antelope were declining. What we needed to know was just how they fit into the decline. Were the two species actually confronting each other, at waterholes for example, or was it something less dramatic?

To determine how wild horses and antelope got along required lots of long and sometimes uncomfortable hours sitting on a hill waiting and watching for the two species to get together. But while waiting, all is not boredom. It is amazing what you can observe when you sit in one place all day with a spotting scope and binoculars. Standouts that come to mind include two coyotes double-teaming an antelope doe and her two fawns. One of the fawns is captured. A soaring golden eagle makes a long dive to take a rockchuck. A black bear digs out an anthill. Six young coyote pup play and fall over each other in the morning sun jus outside their den.

In addition to watching antelope and wild horses fo competition, a study was made of the history of wil horse use of this range (as well as livestock) to dete

[illegible] signals beamed from small radio transmitters attached to the [illegible]
(Photo by Doris Autenrieth)

mine if competition might also be related to past and current range use. Finally, we looked at past antelope harvest by hunters in this unit as an additional piece of the puzzle we hoped to solve.

After three years of work, most pieces of the puzzle fit into place. As is often the case, this was no simple puzzle. Usually when we attack what seems to be a simple question we soon learn there is no simple answer but one that relates to several factors. This study was no different.

The office time spent studying the range history was very revealing. The area has a record of overuse since the 1860s. The combined livestock and wild horse numbers for this country, including the study area, exceeded 75,000. The same level continued until the 1940s when stocking was reduced to the 50,000 level, then to 23,000 by the mid-1950s. The static to downward range condition can be attributed to the more than 80 years of overgrazing.

The three grazing allotments comprising the study area have four operators who have an eight-year average (1970-1977) of 8,301 AUM's. (An AUM is range to support one cow for one month). The cow-calf operations drive their stock onto the public range between May 1 and May 16 and remain from four to six weeks. From there they go to summer ranges in late June or July on the Sawtooth National Recreation Area or on high elevation Bureau of Land Management (BLM) land. In late summer the cows are driven to fall ranges on BLM or private lands.

The following wild horse history is extracted from the "Management Area Plan — Challis Wild Horse Herd," Salmon BLM District, Idaho:

"Interviews with long-term residents of the Challis area and other historical records indicate that the Challis wild horses are descendants of feral stock that grazed public land beginning around the 1870s.

"John Bradbury may have been the first white man to introduce horses into what is now the wild horse area when he came to the Challis Country from Malad, Idaho, about 1878 or 1879. He brought with him several head of horses which he turned loose in Bradshaw Basin.

"Another individual who owned quite a few horses (300-400) was Pat Lynch. He owned the last ranch up Antelope Valley in the early 1900s and allowed his horses to roam. Some of these apparently were never gathered.

"In the early days, not only were these horses in what is now the wild horse area proper, but in much of the surrounding country. In the late 1920s it was reported that nearly 1,000 horses were gathered out of the Pahsimeroi Valley and large numbers were reported in the areas from Hat Creek to Challis and around Crane Basin. Pearl Oberg's book, "Between These Mountains," stated, 'one estimate gave 7,000 as the number of horses running free between Leadore and Birch Creek sinks. An earlier estimate placed the number at 8,500.'

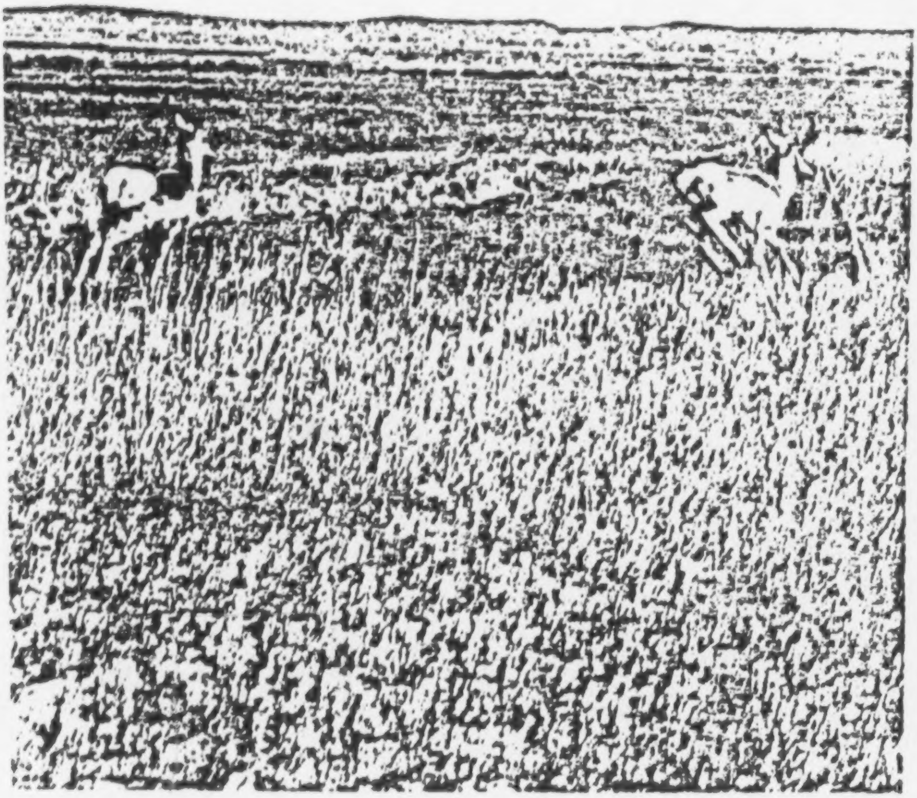
"In the 1920s and '30s yearly roundups were held. Horses that were gathered were largely trailed to Blackfoot or other railroad stations and sale yards and sold. The remainder were either released or sold to the highest bidder. These horses had a reputation of making fine saddle and work horses.

"By the 1950s most of the horses in the Challis area had been removed from public lands with the exception of scattered bands. However, the East Fork wild horse range still supported a large herd. In the fall of 1952, the BLM contracted private individuals to remove a portion of the horses. About 800 horses were taken. Aerial observation after the gathering revealed over 100 horses remaining. This would mean that around 900 to 1,000 horses were in the area at that time. From that point on, groups of mustangers and other individuals kept the population in check by removing animals from the range each year. This continued until the passage of the Wild Horse and Burro Act on December 15, 1971."

By 1977, the herd had grown from 150 to 575 because all roundups had been stopped by the American Horse Protection Association. A July 1979 flight revealed 725 wild horses including 116 foals. Finally, in September 1979, a federal judge allowed the Bureau of Land Management to remove 154 wild horses and another 14 branded horses. Again in 1980 the judge allowed the removal of 307 wild horses bringing the total number left on the range to about 300 with a goal to reduce and maintain the total at 150 adults plus trailing foals and yearlings. The judges did not grant a reduction in 1981.

With this background in mind, it was not too surprising when we found that the most significant competition between antelope and wild horses related to the tremendous range abuse caused by the year-round horse use. Livestock grazing also contributed. A deteriorated range is not a good provider for any of its users. The poor vegetative production negatively impacts the animals' nutrition. It also appears to make newborn antelope fawns more vulnerable to predators. More of this new twist later.

First, more about watching. How neighborly were the antelope and wild horses? The results can probably best be summarized by noting that in certain situations the wild horses would run the antelope off and in others they got along fine. Limited resources such as green vegetation and water caused conflicts in which antelope were the losers. Particularly in late summer when both commodities were limited, antelope were seen to leave on the approach of the wild horses. Fortunately



ANTELOPE PERMITS AND HARVEST
CONTROLLED HUNT AREA 436-A

Year	Permits Authorized	Harvest		Did Not Hunt	Success of Those Who Hunted	Females In Harvest
		Males	Females			
1968	85	49	17	3	80%	26%
1969	50	27	9	5	80%	25%
1970	50	25	13	3	81%	34%
1971	50	29	12	0	82%	29%
1972	50	38	8	0	92%	17%
1973	50	31	9	3	85%	23%
1974	100	50	22	2	73%	31%
1975	100	50	17	9	74%	25%
1976	150	42	29	1	48%	41%
1977	50	23	8	3	66%	26%
1978	Closed					
1979	Closed					
1980	Closed					
1981	Closed					

The horses do not camp on waterholes like cattle which are undoubtedly more of a problem for thirsty antelope. Away from the meadows and waterholes, antelope and wild horses appeared to be compatible. Often antelope would walk by or even lay down near a group of wild horses who either ignored them or merely watched. On several occasions undisturbed antelope looked on as two stallions challenged each other — rearing up, kicking and creating general turmoil. At times wild horses alerted nearby antelope to possible danger such as an approaching predator. It appeared that if wild horse numbers were reduced and controlled there would be little direct conflict between the two species, at least on this area.

Now, to how wild horses and livestock range abuse made fawns more vulnerable to predators. The 60 newborn fawns we radio collared over three spring fawning periods were mostly in good condition at birth with an average weight of nine pounds.

Based on this observation, it did not appear our high fawn mortality was related to fawns weak at birth and predisposed to die. However, 24 (40 percent) of the fawns were killed by coyotes, golden eagles or bobcats before they were three weeks old. That's a high loss in a short time. Another six (10 percent) died from causes attributed to hypothermia or abandonment.

> 'It appears that if wild horse numbers were reduced and controlled, there would be little direct conflict between the two species . . .'

We had no reason to believe the predator population was any greater here than on other study areas. However, we did find a very interesting difference when we compared the vegetation cover of fawn bed sites on this study with the same information on four other antelope areas.

The Challis Area had the least cover at the bed sites and based on our August copter survey data, it has the lowest fawn production success. The area with the best fawn bed cover had the highest success. The bedded fawns on the Challis study were apparently more easily found by circling eagles or roaming coyotes and bobcats. Without adequate concealment, vulnerability to predation for young fawns appears to be great. It was interesting to note that during the last spring of our study, precipitation was double that of normal, causing greater vegetative cover. Our transmittered fawn loss to predation was the lowest that year.

So, how does all this information fit together? The history of range abuse of this area predisposed it to be the location of an antelope population decline. In checking harvest history we discovered we unwittingly contributed to the decline by overharvesting this segment of the larger antelope population unit. Our permit numbers were mostly determined from winter counts which in this case were misleading due to three subpopulations wintering together. Two were apparently increasing while our study population was decreasing. Based on the overall increase in winter count, permit numbers were increased. Permit levels through 1973 appeared to provide the sportsmen with the high level of success we expect with most antelope hunts.

Since most hunters prefer to shoot a buck, the percent of females in the harvest often reflects the difficulty of locating a buck (the few bucks available, the greater the percent of does in the harvest). The percent of does averaged about a quarter of the harvest through 1973. In 1974 and 1975 the permits were doubled with the main impact apparently being a reduction in hunter success. Then, in 1976 the permits were tripled to 150. The result was a harvest success of only 48 percent and an increase in the female harvest to 41 percent. The 149 hunters had a difficult time locating an antelope to shoot. Indications are, this subpopulation was overharvested. By returning to 50 permits in 1977 the fewer hunters still experienced a significantly lower success rate than during the 1968-1973 period. The unit was closed in 1978.

It appears two-legged, four-legged and winged predators put this subpopulation below a maintenance level. This history of range abuse and continued year-round wild horse grazing made each year's fawn crop highly vulnerable to predators which, because of easy pickings, took a higher than normal percent of the fawns. In effect, predation was keeping the population from bouncing back even after the hunting season was closed.

Now that we have figured out the problems, can we do anything to help? The answer is yes and the wheels are already turning. Putting the range back in good condition is the most important goal. It is being worked on through reduction of wild horse numbers and through a Bureau of Land Management stewardship committee that was assembled to plan and coordinate proper livestock grazing.

Cover (particularly grasses and forbs) can return relatively quickly if allowed under controlled grazing regimes. When this occurs, a lower percentage of fawns will be lost during their bedding period and the population will rebound. Antelope are quite resilient when given the chance. The fact that does almost always have twins makes the difference. When our annual August copter survey tells us production is back to a healthy level, we can resume issuing permits. But, we must be mindful that most of the harvest comes from this subpopulation and be prepared to prevent a recurrence of an overharvest.

(Mr. Autenrieth is a principal wildlife research biologist with the Department of Fish and Game, stationed at Jerome. He has conducted research on both antelope and sage grouse and recently authored a department Wildlife Bulletin titled "Sage Grouse Management in Idaho.")

Senator WALLOP. Thank you very much, Ms. Ingram.

I might say that having looked through your whole statement that the Ingram family ought to be quite proud of you. It's a very thoughtful statement and well documented. We appreciate it.

Senator McClure?

The CHAIRMAN. Thank you very much, Mr. Chairman.

I, too, want to particularly thank Ms. Ingram not only for her testimony here today but the fact that she has been so involved, like others of her community, for so long in this problem.

As you pointed out in your statement, it wasn't exactly a matter of choice on your part, it was a matter of necessity.

I want to call attention to, too, the attachment to your statement which is a publication called "Idaho Wildlife," May, June 1982, where the Idaho Fish and Game Department made the finding that the antelope reproduction in this one unit was far below that of all other units in the same area. And I would invite people who have concerns about the accuracy of information, or the bias of domestic livestock users, to look at what the professional wildlife managers in my State have to say about one particular problem in that area.

Mr. Chairman, I have no further questions of this particular group. I do wish to thank them very much for their continuing attention and concern for this problem.

Senator WALLOP. Senator Melcher?

Senator MELCHER. Mr. Gilmore, you made a point that it has been estimated that it costs the Federal Government $2,500 per day to feed approximately 1,200 head of horses that have not yet been adopted at this point.

I assume those horses are being held somewhere and being fed.

Well, that reminded me of something. That's about $2.08 and a half cents per day, which is not too bad. I'd have to commend the BLM if they are giving them plenty to eat and cleaning up after them.

I found when I was in practice in Forsyth, Mont.—we did a lot of work on sick animals in the clinic—and it cost us, we thought, about as much to clean up after them and dispose of the manure as it did to feed them.

When we first came here we had three kids with us and they all thought it would be nice to have a horse. We live out south of here, Camp Springs, so I thought maybe it would be nice if they had a horse, too, each of them wanted one.

So we went out one Saturday to find out how much it was going to cost to keep a horse, and the first farm we went to looked pretty good, and the guy said, "80 bucks a month," and I multiplied that times three, $240, and I told the kids after we left the farm that we couldn't finance that kind of operation. We would have to find something better or forego the horses.

So the next place we stopped at wasn't—didn't have as good a barn but it had a place that looked all right, and the guy said $60 a month. I still told the kids it looked pretty high, so we tried a third, which was kind of a rundown place, and the guy said, the farmer said, "$15 a month." It didn't sound too bad.

I said, "There's no catches in this? I don't have to clean up after them, dispose of the manure or anything?" The farmer looked me up and down and he said, "Congressman, there ain't going to be no manure at $15 a month."

So if they are feeding them adequately and cleaning up after them, I think $2.08½ a day is very commendable.

Thank you, Mr. Chairman.

Senator WALLOP. I want to thank the panel. I just would ask you, if any of you have experienced, which the BLM or the Forest Service is actually following the law and destroying excess horses. Does anybody know whether the BLM or the Forest Service is actually following the law and destroying excess horses?

Mr. BIDART. Well, Mr. Chairman, I don't know at this present time, and I'm not positive, but I have heard that up in the Burnace area where they attempted that, they were hauled into Federal Court.

Senator WALLOP. For doing what they were directed to by the law?

Mr. BIDART. Yes, for attempting to follow the law.

Senator WALLOP. Anybody—Ms. Ingram.

Ms. INGRAM. Our local BLM says they will not destroy them, which no one wants to see that, and they have also told us, though, that because there are too many unadoptable horses out there, in the past they have told us they won't even round up, if they do have the proper authority to do it, that and the lack of funds to keep the animals.

By the way, that cost for keeping those animals, I think, if I'm not mistaken, is just feed and care. It does not include the administration and all other associated costs.

Senator WALLOP. I would be surprised if it included—what hay is in my area.

Mr. Ross, what about in your area, where they've got the big heavy increase that you described?

Mr. ROSS. It's prevalent, I think, all over the entire area. The units, BLM units that I am familiar with are all the same.

You know, it's a funny thing about wild horses. The purists think they descended from the horses the Spaniards turned loose, and I know of one unit in my area where I've seen the wild horses eliminated and reinstituted three times in my lifetime.

Twenty years ago there were, in that particular unit, there were only a few head of horses there, but a few ranchers' horses get away and so on, it's a big wild country, and pretty soon you have a horse herd again.

You know, a wild horse is supposed to be a glorious, beautiful creature, and it depends on how many generations from captivity they are as to their looks.

You know, a horse—as I said, I'm a horse breeder, and horses go downhill very, very rapidly. I'm sure Senator Melcher is very familiar with that, as the rest of you are. But after a couple of generations, first they lose their wethers, you know, as they inbreed and so on, and they are not a very handsome animal.

But back to population again, I think in my area of eastern Oregon and western Idaho, the herds have at least tripled since 1971, in every instance.

Senator WALLOP. Thank you all very much for coming here and sharing your views with us.

The second panel, Mr. Cleveland Amory, the Fund for Animals, of New York City; Ms. Hope Ryden, author and biologist, of New York; Dart Anthony, Humane Society of Southern Nevada, Las Vegas; Ms. Kathryn Cushman, Wild Horse Organized Assistance, Canterbury, N.H.; Mr. Frantz Dantzler, chief of investigations, Humane Society of the United States.

I remind you all of the 5-minute rule, and we will proceed with Mr. Amory.

STATEMENT OF CLEVELAND AMORY, FOUNDER AND PRESIDENT, FUND FOR ANIMALS, INC., NEW YORK, N.Y.

Mr. Amory. On behalf of the 200,000 members of the Fund for Animals, we appreciate the opportunity to appear before this committee. We are the only private, nonprofit organization that I know of involved from the beginning in both the roundup and adoption of wild horses and burros, so we speak with personal and intimate experience in this area.

We started in the Grand Canyon with the rescue of 577 burros, a job which, I am sure you were aware, was told that it couldn't be done, and the various experts all testified that the ideal thing was to shoot them.

We are now engaged in rescuing animals in Bandelier National Monument and making plans for the rescue, with my cohorts, Dart Anthony and many other people here, for the rescue of 6,000 more in Death Valley.

We have spent over $1 million directly on rescue, roundup and adoption of these animals over a period of 4 years.

When all the burro programs are completed, we expect to have rescued two-thirds of all the wild burros in the West.

And considering these would have bred and had offspring, we probably have saved about 30,000 wild burros from being shot.

There will be no more wild burro problems, so we can more or less eliminate that from our discussion. We currently have on our Black Beauty Ranch in Texas several hundred wild horses, all of which we also rescued, some of them in fact from the Bureau of Land Management;

When the Bureau of Land Management, for example, adopted out 179 wild horses to a man in Pittsburg, Tex., this man, Mr. Joe Corbett, allowed them to starve.

The Fund for Animals was called in to rescue the horses by the BLM from its horrendous mistake. Thirty-nine horses died, but the fund was able to save all the others and nurse them back to health and they were eventually adopted from our ranch.

Let me explain briefly what happened at the Naval Weapons Center in China Lake, Calif. First, the Navy decided to shoot the burros and shot 681 of them, paying to do so one of the experts who had incidentally written the same paper for the Grand Canyon, that the only thing to do with burros was shoot them.

When the Fund for Animals went into court to stop this brutal, outrageous slaughter, the judge ruled that the Navy should at least spend as much money trying to rescue burros as trying to shoot them.

And following this decision, under the personal direction of Jerry Owens, executive vice president of the Fund for Animals, such successful rescues were carried out that it has led directly to the saving of 4,689 burros, as mentioned above, as well as close to 700 horses.

The relations between the Fund for Animals and the Navy under the able Capt. J. J. Lahr could not now be more cordial.

Let us hope what is decided at these hearings will end as happily. But let me assure you if the idea of this committee is to gut the Wild Horse and Free-Roaming Burro Act, it will not end happily.

And with all due respect to you, Senator McClure, very many men before you have found out that the American public loves these wild horses and loves these wild burros.

With some modesty, I say that the Fund for Animals has made the donkey one of the most wanted pets in America. One woman who adopted one of the first ones from the Grand Canyon from us wrote us that he makes a much better pet than my husband.

There is no such thing as humanely killing a wild horse or burro. A burro, for example, has only two vital organs—its brain and its heart.

We have witnessed shootings in which burros have had as many as 10 bullets in them trying to die. For years before the BLM adoption program went into effect, they did not manage the herds of wild horses and burros as required by the act and are using this adoption program as a means to cover up some mismanagement practices.

Now I have worked with them and very close to them, many of the riders, many of the roundup men. I know them on all levels.

I do not have anything against the BLM, but what happened in Pittsburg, Tex., when they adopted out 179 wild horses to one man, who starved them, who had no idea of looking after them, how they can now ask that they will have the right to do this adoption by lot, which is a return to the misfit situation all over again.

And let me tell you, Senator Wallop, Senator Melcher, Senator McClure, and anyone else who will listen, the public will not stand for it.

We do not need a gutting of the act; we need a strengthening of the act. BLM on their management program so far has spent about $30 million.

I guarantee you that the International Humane Society, the American Humane and the other cohorts, NOA that we are working with now in Death Valley, could do the whole job for less than a quarter of that money.

We have 750 burros and God knows how many horses at our Black Beauty Ranch in Texas right now. We are not worried about it because there is a demand out there under careful, proper adoption program.

And that can be done and we can work with the BLM, but don't, sir, gut this act, I beg you.

[The prepared statement of Mr. Amory follows:]

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STATEMENT OF CLEVELAND AMORY, FOUNDER AND PRESIDENT
OF THE FUND FOR ANIMALS
REGARDING S. 457, A BILL TO AMEND
THE WILD, FREE-ROAMING HORSES AND BURRO ACT, 1971
before the
SENATE SUB-COMMITTEE ON PUBLIC LANDS AND RESERVED WATER
Washington, D.C.
April 11, 1983

PAGE ONE

Mr. Chairman, and Members of the Committee:

On behalf of over 200,000 members across the United States we appreciate the opportunity to appear before this Committee to express our views on S. 457.

Being the only private non-profit organization involved from the beginning in both the round-up and adoption of wild horses and burros, we speak with personal, intimate experience in this area.

We have rescued 577 wild burros from the Grand Canyon when experts said that it couldn't be done, 4,689 from the China Lake Weapons Center in California; we are currently involved in rescuing animals in Bandelier National Monument Park, New Mexico, and are making plans for the rescue of 6,000 more in Death Valley National Monument, California. We have spent $1 million directly on rescue, round-up and adoption of these animals over a period of four years. When all burro programs are completed we expect to have rescued two-thirds of all wild burros in the west, and considering these would have bred and had offspring, we probably have saved about 30,000 burros from being shot.

We currently have on our Black Beauty Ranch in Texas several hundred wild horses, all of which we also rescued. Some of them in fact from the Bureau of Land Management (BLM). When the BLM, for example, adopted out 179 wild horses to a man in Pittsburg, Texas, this man, Mr. Corbett allowed them to starve. The Fund for Animals was called in to rescue the horses by the BLM from its horrendous mistake. 39 horses died, but the Fund was able to save all the others and nurse them back to health, and they were eventually adopted from our ranch.

Let me explain briefly what happened at the Naval Weapons Center at China Lake, California. First the Navy decided to shoot the burros, and shot 681 of them, paying to do so one of the "experts" in the most recent National Academy of Sciences' study. When the Fund for Animals went into court to stop this brutal, outrageous slaughter, the Judge ruled that the Navy should at least spend as much money rescuing burros as shooting them. And following this decision under the personal direction of Jerry Owens, Executive Vice President of the Fund, such successful rescues were carried out that led directly to the saving of 4,689 burros as mentioned above, as well as close to 700 horses.

The relations between the Fund for Animals and the Navy under the able Captain J.J. Lahr could not be more cordial. Let us hope what is decided at these hearings would end as happily.

At a meeting of all our groups in Denver recently, we figured that we could do the job at less than half the cost of the BLM's doing it. And frankly Sir, doing it better.

We are thus familiar with the abilities and the shortcomings of the BLM's program. We know, for example, their most recent studies still list as "experts" individuals who have a vested interest in, and have been paid for numerous shootings of these animals. We abhor the shootings and will have no truck with it or its "experts".

There is no such thing as humanely killing a wild horse or burro by shooting. A burro, for example, has only two vital organs, its brain and heart. We have witnessed shootings in which burros have had as many as 10 bullets in them trying to die.

For years before the BLM's Adoption program went into effect in 1976, they did not manage the herds of wild horses and burros as required by the Wild, Free-Roaming Horses and Burros Act of 1971. They are using their Adoption program as a means to cover-up their mismanagement practices.

We do not feel that the intent and the spirit of the Act should be violated by public sale of these animals just because the BLM has not done their job.

According to BLM's figures, the estimated current population of 56,800 wild horses and burros minus the estimated management level of 25,000 would leave 31,800 to be removed. Since this amounts to over half of their population in the western United States, it would be radical surgery.

It is clear to us that a prime motivation for removing horses from the public lands is not so much to prevent their over-population, but rather pressure from livestock interests to allow additional grazing for sheep and cattle. Livestock grazing on public lands is heavily subsidized by the U.S. taxpayer under the Taylor Grazing Act.

You will be hearing extensive testimony today from other witnesses along these lines.

We strongly oppose any amendments to the Wild Free-Roaming Horses and Burros Act which would eliminate crucial protection for wild horses and burros against the sale for processing into commercial products. We also oppose any amendments which would specifically authorize the Secretary of the Interior to remove wild horses and burros he determines to be surplus, to be sold for slaughter.

The passing of any legislation which would facilitate the sale of these animals to slaughter houses would be in direct disregard to the general public's attitude towards these historic animals, and we would have a return to the "Misfits" movie all over again. The public would not stand for it and neither would we.

If President Reagan is as interested as he appears to be in saving government money, perhaps he should consider the stark fact that over $30 million has been given to BLM to do a job that a private organization could have done for less than a quarter of this.

Thank you for the opportunity to appear here today.

Senator WALLOP. Thank you, Mr. Amory.

Ms. Ryden.

STATEMENT OF HOPE RYDEN, AUTHOR AND BIOLOGIST, NEW YORK, N.Y.

Ms. RYDEN. My name is Hope Ryden. I want to thank the committee for this opportunity to testify today in opposition to S. 457.

As a naturalist and author of eight books on North American wildlife, I have spent much time in the West, and your State in particular happens to be my favorite State.

I have written three books on mustangs, and I have also testified before Senate and House committees before on this issue as well as in 1971 when the bill was passed.

From the beginning, special interests have resented the presence of wild horses on the public domain and perceived the animal as a competitor for forage they would rather see allocated to animals whose numbers they wish augmented.

These special interests; namely, hunting organizations and livestock growers, have repeatedly pressured for wild horae and burro reductions.

So it came as no surprise in 1978 when Congress passed the Public Rangelands Improvement Act that horse supporters would anticipate that the horse would be singled out for blame for deteriorating range conditions.

Anticipating more large scale roundups, horse supporters appealed to Congress to appoint a committee of experts, scientists, to obtain objective data on wild horse biology, demography and the real impact of equids on rangelands.

Congress complied and directed the National Academy of Science to appoint a 13 member panel, which was headed by Dr. Frederic Wagner of Utah State University.

And I am just amazed that today the data that those people analyzed and published has been totally ignored. The National Academy of Science First Phase Report was published in 1980, bringing together an array of information on equid biology and demography.

Also, they evaluated the BLM census techniques, management methods and objectives. The report lends scientific support to the views of the horse enthusiasts who all along have questioned BLM counts, management methods and goals.

For example, the report concluded that the population growth claimed by the BLM to be occurring 20 percent and higher annually was, and I quote, "beyond the biological capability of large established herds which have assumed remote approximations of geometric age structures." Page 66.

The BLM, it was discovered, had failed to compute mortality in making its projections. The National Academy of Science committee was unable to reconcile the large discrepancy between the wild horse increases the BLM was reporting annually with those theoretically possible.

Biological factors limit reproductivity. A mare gives birth to but one foal annually inasmuch as gestation lasts for 11 months.

Females don't give birth at all until 3 years old. Females of all ages account for only half the number of wild horses in the West.

Not every mature female gives birth. Not every foal survives. No horse is immortal. These facts impose absolute limits on herd growth.

The projection can be made either backward or forward. When the National Academy of Science committee regressed the BLM's 1978 wild horse count to a level that could be accepted as theoretically possible in 1971, the BLM's 17,000 1971 estimate had to be doubled.

Either the BLM's 1971 estimate was too low or its current counts have been too high. Whichever be the case, wild horses are not increasing at the rate the BLM claims.

More important, to reduce the horses to the 17,000 figure the BLM says existed in 1971 would bring their populations below what they were when Congress saw fit to protect them.

I would like to add here that in 1971 I put in the Congressional Record that there were a lot more horses than 17,000 and that I feared that the BLM had named this figure so as to have fewer horses to manage.

But what of the current level? Are the 45,000 wild horses reported in 1982 to be scattered across 10 States, damaging the public domain?

Before citing the National Academy of Science committee in regard to this question, I should like to point out that a similar-sized population of bighorn sheep is also giving Interior cause for alarm, not because the bighorns are thought to be in excess, but because 40,000 wild sheep are thought to be too few.

Efforts are being made to discover the cause of the low birth rate and poor lamb success.

The National Academy of Science committee also addressed itself to the above question: are 45,000 wild horses across 10 States damaging the rangelands.

In the words of the National Academy of Science Report: "Few of the plans and the EAR's provided much information to support the contention that range conditions were unsatisfactory at wild horse locations or explained how conditions were determined."

"Rarely was any attempt made to show which herbivore—cattle, horse or wildlife—were responsible for the range conditions presented in the report."

Well, I see I haven't gotten through and the bell has rung and I have other points that I feel are very significant.

Senator WALLOP. As with every other witness, they will be a part of the record of you care to summarize.

Ms. RYDEN. All right. All right, I would like to make a couple of more points, that no forage allotment was ever set for wild horses, whereas the Wildlife has a forage allotment set for it with the BLM, as does livestock.

Never has any allotment been made for the wild horses. And so it should come as no surprise, therefore, that the horses are always singled out to be the first ones removed whenever there is any question of range deterioration.

I would also like to say that Dr. Frederick Wagner, at the Forty-eighth North American Wildlife and Natural Resources Conference last month, asked this question: Why should the wild horse program be any more self-supporting than a national park or wildlife refuge?

And he felt and expressed that he believes that the adoption program which was designed to work in a certain way has every possibility of working, especially now that some of the programs have been standardized, didn't think that they had to spend money on census every year.

He felt that to do it every other year would save a lot of money, and he felt that some of the roundups could take place less frequently.

So that summarizes the rest.

[The prepared statement of Ms. Ryden follows:]

Statement of Hope Ryden
submitted to
The Committee on Energy and Natural Resources
Subcommittee on Public Lands and Reserved Water
United States Senate
April 11, 1983

My name is Hope Ryden and I live at 345 East 81st Street New York City. I want to thank the Committee for this opportunity to testify today in opposition to Senate Bill 457 to make amendments to Public Law 92-195 related to the management of wild, free-roaming horses and burros.

As a naturalist and author of eight books on North American wildlife, I have spent much time in the West on public lands tracking and studying the horses that are the subject of this bill. I have written three books on mustangs: AMERICA'S LAST WILD HORSES, MUSTANGS: A RETURN TO THE WILD, and THE WILD COLT. My story on wild horses appeared in the National Geographic, titled: On the Track of the West's Wild Horses.

I have also tracked this subject through archives and libraries and cited 161 sources in my book, AMERICA'S LAST WILD HORSES. I testified before Senate and House committees in 1971 on behalf of the Wild and Free Roaming Horse and Burro Act and from the day that Act was signed into law have closely followed controversies surrounding the implementation of it.

From the beginning, special interests have resented the presence of wild horses on the public domain and perceived this animal as a competitor for forage they would rather see allotted to animals whose numbers they wish augmented. These special interests --- namely hunting organizations and livestock growers --- have repeatedly pressured for wild horse and burro reductions.

A look at the way the pie is divided on the public lands, however, gives little support to their contention that the wild horse has had any significant impact on the populations of animals they are promoting. The Public Land Statistics and and the U.S.F.S. Annual Grazing Statistical Report will show what I mean. Notwithstanding a short count of target species (for the reason that those occurring on national forest lands have not been included), the following figures are revealing:

Wild Horse and burros (public lands and forest)	67,296
Domestic livestock (public lands and forest)	6,578,238
Game species (only counted on public lands)	1,559,887

Yet, despite these realities, in 1978 when Congress passed the Public Rangelands Improvement Act, horse supporters anticipated that horses would be singled out for blame for deteriorating range conditions. Anticipating more large scale roundups, horse supporters appealed to Congress to appoint a committee of scientists to obtain objective data on wild horse biology, demography and the real impact of equids on range lands. Congress compiled and directed the National Academy of Science to appoint a thirteen member panel, which was headed by Dr. Frederic Wagner of Utah State University.

Several questions needed to be addressed.
How many horses are there?
How fast are the horses increasing?
How many horses are the right number of horses?
How many horses existed when the Wild and Free Roaming
    Horse and Burro Act was passed?
What is the best way to control equid increase?
What impact do wild horses have on other species?
What impact do wild horses have on range lands?
Does the adoption program work?
Does the American public agree with the special interests
    who would have the herds reduced?

The NAS Committee's First Phase Report was published in 1980 and brought together an array of information on equid biology and demography. It further evaluated BLM census techniques, management methods and objectives. The report lends scientific support to the views of the horse enthusiasts who have long questioned BLM counts, management methods and goals.

For example, the Report concluded that the population growth claimed by the BLM to be occurring (20% and higher annually) was "beyond the biological capability of large established herds which have assumed remote approximations of geometric age structures." p 66

The BLM, it was discovered, had failed to compute mortality in making its projections!

The NAS Committee was unable to reconcile the large discrepancy between the wild horse increases the BLM was reporting annually with those theoretically possible. If the BLM's population census have been correct in more recent years, earlier tallies must have been undercounted. Thus the alarming rate of growth, suggesting the situation to be out of hand, can be dismissed.

Yet the BLM continues to use its old figures and Senator McClure published these in the Congressional Record on March 9, 1982. On page S1806 he writes: "In 1971, when the act was passed, there were an estimated 17,000 wild horses and 10,000 wild burros on federal lands administered by the BLM and USFS. Today, the 1982 wild horse and burro population estimates are.....44,930 and 10,150."

Senator McClure apparently was not updated by the BLM, not told that the NAS Committee was unable to regress the 1978 census to so low a figure as 17,000 horses.

Biological factors limit reproductivity. For example, a mare gives birth to but one foal annually inasmuch as gestation lasts eleven months. Females do not give birth at all until three years old. Females of all ages account for only half the number of horses in a herd. Not every mature female gives birth. Not every foal survives. No horse is immortal. These facts impose absolute limits on herd growth. The projection can be made either backward or forward. When the NAS Committee regressed the BLM's 1978 wild horse count to a level that could be accepted as theoretically possible in 1971, the BLM's 17,000 estimate had to be doubled.

Either the BLM's 1971 estimate was too low or its current counts have been too high. Whichever be the case, wild horses are not increasing at the rate the BLM claims. More important, to reduce the horses to the 17,000 figure the BLM says existed in 1971 would bring their populations below what they were when Congress saw fit to protect them.

But what of the current level? Are 45,000 wild horses reported in 1982 to be scattered across 10 states damaging the public domain? Before citing the NAS Committee in regard to this question, I should like to point out that a similar-sized population of Bighorn sheep is also giving Interior cause for alarm. Not because the Bighorns are thought to be excess -- but because 40,000 wild sheep are thought to be too few! Efforts are being made to discover the cause of a low birth rate and poor lamb success!

The NAS Committee also addressed itself to the above question: are 45,000 wild horses across 10 states damaging the rangelands?

In the words of the Report: "Few of the plans and the EARs provided much information to support the contention that range conditions were unsatisfactory (at wild horse locations) or explained how conditions were determined. Rarely was any attempt made to show which herbivore (cattle, horse or wildlife) were responsible for the range condition presented in the report." p 203

Chairman Frederic Wagner, in a more recent report to the 48th North American Wildlife and Natural Resources Conference last month, put this question of horses and range damage into perspective: "The present number of equids accounts for a small fraction of the total, herbivorous forage removal on the public rangelands. Although there may be local problems of excessive use, the areas shown the NAS Committee and attitudes of BLM officials with whom it interacted did not give the impression of widespread overuse. Hence, the reason for the Bureau's stated intention to reduce equid numbers by more than half is not entirely clear."

In the Committee First Phase Report, it was pointed out that the BLM studies on range conditions failed to quantify descriptions of food availability. It likewise deplored the fact that these studies had failed to describe the spatial relationships of horses and other ungulates. Pointing out that the horses and other herbivores space themselves at distances from one another. It concluded: "Hence, very little, if anything, can legitimately be said about competition for food between horses and domestic or wild ruminants." p 97

The NAS Committee raised a highly relevant question which the BLM, Congress and horse supporters have failed to address, namely, what provision have been made for wild horses on the public range? Forage allotments have been set for livestock and a percentage has been allocated for game animals. No provision has been made for horses, however.

It should come as no surprise, therefore, that the wild horses are always the first species to be removed when range lands and range land management are criticized. This is true despite the fact that, in studying ten wild horse capture plans with accompanying environmental data, the NAS Committee found little evidence to support the BLM contention that the horses had been responsible for the range conditions being corrected.

The question that must be asked now is not what to do with the excess horses, but who will manage the managers? The adoption program, which might have been designed to work better had it taken out more females and thus lowered the rate of increase of each herd, has instead been undermined by an increase in the fees asked of adopters. Dr. Frederick Wagner questioned the necessity for a fee increase in his report to the 48th North American Wildlife and Natural Resources Conference last month. He asked this question: Why should the wild horse program be any more self-supporting than a national park or wildlife refuge?

He further pointed out that removal costs have been declining as roundup and adoption procedures have become standardized and more efficient. Further economies might be made. The BLM census might be conducted every other year. Roundups need not be carried out so frequently to achieve the same ultimate reduction in herd size.

What surprises horse enthusiasts is how little attention has been paid to the recommendation made by this blue-ribbon panel of scientists who have made extensive investigations into the very questions being considered here today. It appears that the BLM and Congress are construing to make decisions based on unreliable figures and assumptions.

I urge the members of the subcommittee to look more closely at facts now available and vote down the amendments being proposed. The American people made clear in 1971 their desire to put an end to the profiteering activities of horse runners. They will not be pleased to see their government setting itself up in the same business.

Senator **Wallop**. Thank you very much, Ms. Ryden.

Mr. Anthony.

STATEMENT OF DART ANTHONY, CHAIRMAN OF THE BOARD, THE INTERNATIONAL HUMANE SOCIETY LAS VEGAS, NEV.

Mr. **Anthony**. Mr. Chairman and members of the committee, my name is Dart Anthony, and I am chairman of the board of directors of the International Humane Society and our affiliate, the Humane Society of Southern Nevada.

I want to note for the public record that I am also here speaking on behalf of the Nevada Humane Society based in Reno.

Mr. Chairman and members of the committee, our three organizations are opposed to S. 457, and we appreciate the opportunity to offer our views.

Since the protection of wild horses and burros raises issues of great public interest and importance, we urge all of you to verify the facts before making any blanketed support of this ill-advised and misguided legislation.

The people of the United States are entitled to know just what these amendments really do, even though they are clearly disguised in language so animal-cuddly that one might suppose Walt Disney or St. Francis of Assisi had a hand in drafting them.

One thing must be very clear, Mr. Chairman and members of this committee—the wild horses and burros that roam the western rangelands belong to the people of the United States, not the vested interests of the cattle and sheep industry.

These amendments, in the final analysis, simply places the Federal Government in those shoes worn by the livestock and ranching interests prior to 1971.

This was a very convenient state of affairs. Ranchers could turn wild horses into a cash crop at no cost to themselves, and at the same time insure the horses and burros would not interfere with their economic interests.

But public outcry and demands forced Congress in 1971 to pass what is known as the Wild Horse and Burro Act. This act declared that the horses and burro population on public lands to be a valued national resource and forbade private interest from rounding them up or killing them.

In effect, the act restored public sovereignty over these animals. You know, as well as I, if the general public were allowed to vote on this matter, they would never permit their sovereignty over the wild horses and burros to be usurped by S. 457.

It is common knowledge that the Bureau of Land Management has always given out highly artificial levels of horses and burros that are on the public lands, the same convenient levels maintained only to suit the livestock and ranching interests.

BLM's data on wild horses and burros has been notoriously inaccurate. For example, in the sovereign State of Nevada, where most of the wild horses roam, it has said for the past 4 years that wild horse population in that State was between 30,000 to 35,000 and increasing at the rate of 20 percent annually—about 6,000–7,000 animals per year.

The roundups during the years have not removed anywhere near 6,000–7,000 animals per year, but the overall numbers haven't increased.

Commonsense, gentlemen, obviously tells you that something must be wrong in the BLM's data. Our three organizations as well as many other animal welfare groups have argued that BLM's estimates of reproductive rates is greatly exaggerated and, as a result, its population estimates and projections for future growth are wildly inflated.

The data in Nevada, where all the horses roam mostly, demonstrate that our arguments are true. All this goes to show that wild horse numbers have not increased as fast or as much as the BLM claims.

However, discredited arguments that there has been an explosion in wild horse numbers is a convenient way to make the wild horse a scapegoat for other problems on public land management.

Because of years of overuse by the livestock, ranching and other private interests, our public lands are generally in less than satisfactory condition.

Now in an attempt to eke out as many AUMs as possible for ranching and livestock interests, Secretary of the Interior, James Watt, Idaho's Senator James A. McClure, and Director of the BLM, Bob Burford, and unfortunately, Nevada's own Senator, Paul Laxalt, want to cut the wild horse numbers at least in half and give the BLM selling authority.

Mr. Chairman and members of the committee, don't forget, the roundup and removal provisions in the Wild, Free-Roaming Horses and Burros Act were not intended to help the livestock and ranching operations in this fashion.

Nothing in the current act supports the blatant attempt to reduce wild horse numbers back to or below the levels that existed when private interests kept them under control to suit their own purposes.

The current Act declares the animals to be an integral component of the public lands, not second-class users whose numbers can be manipulated to free up resources for cattle and sheep.

The real rationale behind the adoption fee increase in the past year, we believe, is not economics, but administrative convenience.

BLM had never been enthusiastic about running the adopt-a-horse program. My personal conversations with the operators of satellite adoption centers have convinced me of that.

Because of the higher fee, a large population of unadopted wild horses has provided the perfect rationale for the BLM's real goal: gaining authority to sell horses and burros removed from the public lands to the highest bidder, which means the killer buyers, who represent slaughterhouses here and abroad.

The 1971 Wild, Free-Roaming Horses and Burros Act is in their way, and that is the real reason why these amendments have surfaced in the form of Senate bill 457.

When you ask the Secretary of Interior or the Director of the BLM, Bob Burford, they tried to cover up this plot, in our opinion.

If I may add one more thing into the record, Senator.

Senator WALLOP. If you could just summarize.

Mr. ANTHONY. Both Secretary Watt and Mr. Burford, without question, have tried to cover up this plot by stating to the media and the general public that the recent adoption increases and these amendments are meant to lessen the $4.4 million annual Government subsidy cost of the program.

But if you mark our words, if you corner them and ask them about the annual Government subsidies that amounts to billions of dollars to the livestock, ranching, farming, and dairy industries, they will clam up and look the other way.

I think the persons that are trying to ramrod these amendments are not kidding anyone. The small subsidy for the wild horse programs doesn't amount to a hill of beans.

I know it and you know it and, most importantly, the general public knows it. We hope that you ignore these amendments and cancel them right here and there.

[The prepared statement of Mr. Anthony follows:]

STATEMENT OF

THE INTERNATIONAL HUMANE SOCIETY
THE HUMANE SOCIETY OF SOUTHERN NEVADA
THE NEVADA HUMANE SOCIETY

REGARDING S.457, A BILL TO AMEND THE WILD, FREE-ROAMING HORSES AND BURROS ACT

before the

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
Subcommittee on Public Lands and Reserved Water

WASHINGTON, D.C.

Hearings
April 11th, 1983

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The International Humane Society, it's affiliate the Humane Society of Southern Nevada and the Nevada Humane Society are non-profit charitable organizations dedicated to the furtherance of animal welfare, animal rights and the prevention of needless cruelty. IHS world headquarters are located in Las Vegas, Nevada with national headquarters in Washington, D.C., HSSN headquarters are also located in Las Vegas, Nevada and NHS headquarters located in Sparks, Nevada just outside of Reno, Nevada. Since 1944, HSSN and since 1932, NHS have advocated the preservation of Wild horse and burro herds through a humane and fiscally sound management program.

Mr. Chairman and members of the committee, IHS, HSSN and NHS are opposed to S.457....and we appreciate this opportunity to offer our views. Since the protection of wild horses and burros raises issues of great public interest and importance, IHS, HSSN and NHS urges all of you to verify the facts before making any blanketed support of this ill-advised and misguided legislation. The people of the United States are entitled to know JUST what these amendments really do....even though they are clearly disguised in language so animal-cuddly that one might suppose Walt Disney and St. Francis of Assisi had a hand in drafting them. One thing must be made very clear, Mr. Chairman and members of the committee....the wild horses and burros that roam on our western ranges belong to the people of the United States NOT THE VESTED INTERESTS OF THE CATTLE AND SHEEP INDUSTRY. These amendments, in the final analysis, simply places the Federal Government in those shoes worn by the livestock and ranching interests prior to 1971. As you know, until that time, ranchers controlled the wild horse and burro numbers....rounding up and selling (or slaughtering) as many animals as necessary to keep them from competing with livestock, ranching or other private users of the public lands.

This was a very convenient state of affairs: ranchers could turn wild horses into a cash crop at NO-COST to themselves, and at the same time insure that the horses and burros would not interfere with their economic interests. Public outcry and demands forced Congress in 1971 to pass what is now known as the Wild Free-Roaming Horses and Burros Act.

The Act declared the horse and burro population on public lands to be a valued national resource, and FORBADE private interest from rounding them up or killing them. In effect, the Act restored public sovereignty over the animals. You know, as well as I....if the general public were allowed to vote on this matter, they would never permit their sovereignty over the wild horses and burros to be usurp by S.457. It's common knowledge that the Bureau of Land Management has always given out highly artificial levels of horses and burros that are on the public lands....the same convenient levels maintained, only to suit the livestock and ranching interests. BLM's data on wild horses and burros has been notoriously inaccurate. For example, in Nevada (where most of the wild horses roam), it has said, for at least the past four years that the wild horse population in that state was between 30,000 to 35,000 and increasing at the rate of 20% annually....about 6-7,000 animals per year. The roundups during these years have not removed anywhere near 6-7,000 animals per year, but the overall numbers haven't increased. Common sense, obviously tells you, something must be wrong in the BLM's data.

IHS, HSSN and NHS, as well as many other animal welfare groups, have argued that the BLM's estimate of reproductive rates is greatly exaggerated, and as a result its population estimates and projections of future growth are wildly inflated. The data in Nevada demonstrates that our arguments are true. All this goes to show that wild horse numbers have not increased as fast, or as much, as the BLM claims. However, the discredited argument that there has been an "explosion" in wild horse numbers is a convenient way to make wild horses the scapegoat for other problems in public land management.

Because of years of overuse by livestock, ranching and other private interests, our public lands are generally in less than satisfactory condition. Ranching and livestock interests have been faced with cutbacks in grazing allotments during the past several seasons; those cutbacks may last 10-15 years or until the ranges recover. Now, in an attempt to eke out as many AUM's as possible for ranching and livestock interests, Secretary of the Interior, James Watt, Idaho's Senator James A. McClure, Director of the BLM, Bob Burford, and unfortuneately, Nevada's own Senator, Paul Laxalt, want to cut wild horse numbers at least in half, and give the BLM selling authority. Mr. Chairman and members of the Committee, don't forget, the roundup and removal provisions in the Wild, Free-Roaming Horses and Burros Act were not intended to help livestock and ranching operations in this fashion. Nothing in the current Act supports a blatant attempt to reduce wild horse numbers back to (or below) the levels that existed when private interests kept them under control to suit their own purposes. The current Act declares the animals to be an integral component of the public lands.... not second-class users, whose numbers can be manipulated to free up resources for cattle or sheep.

The real rationale behind the adoption fee increase this past year, we believe, was not economics, but administrative convenience. BLM has never been enthusiastic about running the Adopt-A-Horse program, conversations with the operators of satellite adoption centers have convinced me of that. Because of the higher fee, a large population of unadopted wild horses has provided the perfect rationale for the BLM's REAL GOAL: gaining the authority to sell horses and burros removed from the public lands to the highest bidder....which means....the killer buyers, who represent slaughter-houses, here and abroad. By removing thousands of horses and burros, and by making them difficult to adopt through raising the fees, the BLM et al have created the need for these amendments. The 1971 Wild, Free-Roaming Horses and Burros Act is in their way, and that's the REAL reason why these amendments surfaced in the form of S.457. Both Secretary Watt and Mr. Burford, have without question, tried to cover up this plot by stating to the media and the general public that the recent adoption increases and these amendments are meant to lessen the $4.4 million annual government subsidy costs of the program. But mark our words....if you corner them, and ask, about the annual government subsidy that amounts to billions of dollars to the livestock, ranching, farming and dairy industries, they will clam up and look the other way. The persons who are trying to ramrod these amendments are not kidding anyone. The small subsidy to the wild horse adoption program dosen't amount to a hill of beans and they know it. Mr. Chairman and members of the committee, no one seems to be mentioning the obvious conflicts of interest aspects to S.457. The most powerful and organized pressure group arguing for the reduction or elimination of wild horses and burros....is the rancher, with his 5.3 million cattle and sheep sharing the same public grazing lands. It is also important that the public know that the ranching operators are paying less for the privilege of using the public lands. You may or may not know, but as of March 1, 1982, the grazing fees charged by the BLM was reduced from $2.31 to $1.86 per AUM's, and only 93 cents of the $1.86 goes to the U.S. Treasury, the balance oges back to the rancher. Now, gentlemen, that's some sweet deal. But the bottom line is....it's a rip-off to the public. And what was Mr. Burford's business before he before he became head of the BLM.... A BIG COLORADO RANCHER! For the public record....an AUM is the amount of forage consumed by one beef cow with a calf in a month. Last year, cattle consumed 11.5 million AUM's. Fewer then 35,000 horses that roam in all of the 10 western states graze on the public lands. Now, please tell the public again....what animal is causing the damage to the range? The bottom line is and always has been, the wild horses and burros are in competition with the cattle and sheep industry. IHS, HSSN, and NHS feel these gentle animals have been the scapegoat far too long. And that's why those of us who care about their welfare have gone to battle for them. None of us can stand by and let them be destroyed for vested interest. S.457 does not address the fact that wild horses under present methodology, could not be transported humanely and without injury to slaugherhouses. S.457 also states and I quote, "The excess wild free oraming horses and burros shall become subject to all State and local humane and sanitation laws." In the state of Nevada no such laws exists to cover this. I sure that problem applies to many other states. Secretar James Watt and Director Bob Burford have given new meaning to the term "BUTCHER". There should be no mistake made about the fate of the horses and burros that are sold if these amendments are passed....THE VAST MAJORITY WILL GO TO SLAUGHTER AND WILL BE SUBJECTED TO BARBARISM WHEN BEING TRANSPORTED. This solution is not humane, nor is it necessary, nor is it acceptable to the vast majority of the American people. IHS, HSSN and NHS knows this, and what's more important you know it. If you choose to ignore the truly macabre aspects of S.457, you will do wild horses and burros, your constituency, and the general public at large a great diservice. The International Humane Society, The Humane Society of Southern Nevada and the Nevada Humane Society strongly advises that you strengthern the Wild Free-Roaming Horses and Burros Act....NOT WEAKEN IT. Mr. Chairman and members of the committee, if any of you want to really help our wild horses and burros, my staff has already prepared amendments to strenghtern the ACT. I would be more than happy to meet with any of you after the hearings to give them to you.

Thank you for your time.

Sincerely,

THE INTERNATIONAL HUMANE SOCIETY
THE HUMANE SOCIETY OF SOUTHERN NEVADA
THE NEVADA HUMANE SOCIETY

Senator WALLOP. Thank you, Mr. Anthony.

Ms. Cushman.

STATEMENT OF KATHRYN CUSHMAN, WILD HORSE ORGANIZED ASSISTANCE, INC., CANTERBURY, N.H.

Ms. CUSHMAN. Thank you, Mr. Chairman and members of the committee. I am grateful for the opportunity to——

Senator WALLOP. Would you just pull that slightly closer.

Ms. CUSHMAN. Yes.

Senator WALLOP. They are very direction oriented and they are difficult to use.

Ms. CUSHMAN. My name is Kathryn Cushman. I am representing Wild Horse Organized Assistance. I speak in strong opposition to Senate bill 457.

WHOA has been involved with the wild horse and burro program since it began in 1971. We have watched the adoption program operating successfully.

A program now brought to a standstill by the present administration's determination to undermine it. The exorbitant fees implemented by the Bureau of Land Management set the stage for the bill before us today.

When the $200 adoption fee was instituted, the BLM knew that the fee would eliminate 85 percent of the adopters. We have a copy of a study that they did that showed they knew it. I still have it.

Now we are being told that because 1,400 horses were held in distribution centers over the winter, that Senate bill 457 is necessary.

BLM deliberately created this scenario, rounding up large numbers of horses in late fall when adoption demand is low.

This fact coupled with the $200 fee resulted in exactly what the Bureau and the sponsors of this legislation anticipated.

Drop the fee entirely if you want to adopt out horses. Give the program some publicity. John Boyles, as I understand it, returned money for publicity—he returned the money; said that it wasn't needed.

And consequently, there has been very little publicity done. My husband and I helped adopt out over 100 animals last year.

We had to scrimp and scrape to get publicity so that people would know about the program. People don't know about the program. We are from New England.

We have a center in Harrisburg, Pa. Do we get any publicity? No. That is why the horses aren't being adopted out.

Senate bill 457 seeks to allow the Federal Government to sell wild horses and burros at auction to slaughter, though all possible is being done to disguise the fact.

This legislation does far more than request sale authority. All protective language is being removed from the original act.

Helicopter use is expanded. The phrase "where found in 1971" is removed, allowing for total removal from many areas where horses existed in 1971.

And this voids the intent of the original act. We can, and will upon request, produce documents that will show how BLM intends to eliminate wild horses from 1971 ranges despite lack of data to substantiate the need for any removal.

Senate bill 457 would give them carte blanche. Management at minimal feasible levels is removed. State influence is increased.

Input by outside groups is decreased. More powers are delegated to land use plans, allowing for vested interests to control the fate of wild horses and burros.

More often than not, for their own monetary gain. The sponsors claim additional protection for wild horses and burros will result from passage of this legislation.

We ask you to compare Public Law 92-195 and Senate bill 457 and tell us, how so? Senate bill 457 reduces subsidy to the adopt-a-horse program while reducing the protection that the animals have had since 1971.

Senate bill 457 will eventually put an end to the adoption program, a program which has provided positive publicity for the BLM.

A State director from a Western State comments in a written review, and I quote, 'The dollars gained does not outweigh the adverse public relations we, BLM, will stand to receive. There also will be lawsuits filed, and by the time we add this cost to the proposal, it is even less desirable.'

In light of the findings contained in the National Academy of Science Final Report on Wild and Free-Roaming Horses and Burros, BLM needs to reassess its management policies.

The scientific community does not support the manage- ment myths perpetrated by the Bureau. According to researchers contributing to the report, a population increase on a yearly basis "might conceivably be below 10 percent"; BLM is using 20 percent.

BLM is continuing to remove horses and burros from the range until monitoring is implemented. They admit the vegetative data is inadequate.

Incorrect projections of population increases by 10 percent plus inadequate data are serious deficiencies in any management program.

If the question is based on Government subsidy to the wild horse and burro program, let us look at some figures.

Wild horses and burros are funded 4.2 million, livestock 30 million and wildlife, 14 million. Only 9 percent of our Nation's beef ever grazes on public lands. This is a rather expensive subsidy for approximately 4 million animals.

Thank you very much.

Senator WALLOP. Thank you, Ms. Cushman.

Mr. Dantzler.

STATEMENT OF FRANTZ L. DANTZLER, DIRECTOR, DEPARTMENT OF INVESTIGATIONS, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. DANTZLER. Thank you, Mr. Chairman. I represent the Humane Society of the United States, based in Washington, D.C., and I appear before you today in opposition to Senate 457 as introduced by Senator McClure.

Outlining our opposition to this measure is not an easy task since there are numerous areas of the bill with which we strongly disagree.

However, most of the proposed changes are but a poorly camouflaged scheme to draw attention away from the primary intentions of the bill, that of mandating sale of unadoptable horses to slaughter.

The Bureau of Land Management has been trying to secure passage of just such an amendment for years. Their argument today, in our judgment, is no less illogical or transparent than it was in 1971.

The primary reasoning behind the proposal has remained basically unchanged for a number of years. Briefly, I would like to list some of the more frequent reasons offered for this legislation by the Bureau and offer our response.

We have heard, for example, that the number of horses is so great that they pose a threat to livestock producers and to the environment of the public lands.

The number of horses that are on public lands varies widely depending upon the credibility of the figures being used, the point being that, given the best of intentions and the availability of state of the art data, there is no way the Bureau or any other agency can tell us just how many horses are out there.

Again, this is not a new phenomenon. In fact, the population figures were even less consistent during the early years of the program.

Even so, using the BLM's own figures and presuming that they are somewhat correct, one has a difficult time rationalizing the logic that there are too many animals.

When one considers that the numbers of privately owned livestock that are currently on public lands to be in excess of 4 million and that simple arithmetic reveals an excess of cattle over wild horses by a 90 to 1 ratio, even skeptics of the wild horse program should begin to wonder just why this legislation is being presented to you.

Of course, there are other factors to be considered as well. For example, the majority of beef cattle are not produced in the West, contrary to popular belief, but in the East and Midwest, with States such as Florida and New Jersey scoring very high on the list of major producers.

Indeed, the State that has far and above the greatest number of wild horses, Nevada, ranks a lowly 32 on the list of livestock producers according to the USDA.

And what about the environment? If we were only to accept the information given to us by the Bureau, one would be led to believe that most, if not all, of the problems of overgrazing are being precipitated by the existence of wild horses, even though they are outnumbered by livestock and wildlife by more than 100 to 1 ratio.

We certainly don't believe that, and we appeal to this committee to look carefully into the self-serving statistics to put the matter into proper perspective.

We have heard, too, that selling the animals at auction will generate much needed funds for the program. There are a few things that I could add to illustrate to this committee the sad state of affairs that our economy is in today.

Indeed, both Government and industry are hard pressed to keep up with the rising tide of expenses and falling revenue that has made victims of us all in this vicious circle.

The proposal before you begins to look even more ludicrous when one examines this issue more closely. At the very moment when the Government is providing increased subsidies to ranchers by charging a paltry $1.43 per month for grazing rights, they are increasing the expenditures for the wild horse and burro program reductions on the very same public lands.

Additionally, Mr. Chairman, we have been told by various BLM spokesmen that if this legislation is passed, the BLM would do everything possible to insure that the horses being shipped from the auction site to their final destination will be transported within the parameters of existing humane laws.

Saying it as nicely as I can, such a promise is meaningless. For years, animal welfare groups have been trying to establish humane transportation regulations that would apply to the trucking industry.

No such regulations exist and the propsect of having any passed by any regulatory authority in the immediate future seems little more than a pipe dream.

The truth of the matter is that animals that are being shipped from the auction site are not covered by any Federal law and at a time when we are experiencing numerous abuses by people transporting animals for private ownership, we can only shudder to think of the consequences of large numbers of horses and burros being transported by carriers to the slaughterhouses.

After all, they have told us, "since they are going to be killed anyway."

We have heard, too, that selling the excess animals at auction will permit private enterprises an opportunity to gain some benefit from the animals.

This argument seems to suggest that everyone deserves a piece of the wild horse pie. Yet when the supposed logic is examined, it would appear that it makes little difference to the ranchers at all.

Consider that if as many as 50 percent of the horses and burros were removed from public lands, or 33,500 animals according to Bureau figures, at a tremendous estimated cost to the taxpayers of approximately $16.5 million, the very best the average livestock producer could expect in terms of increased herd populations would be on the order of 3 to 4 percent.

The actual figure might be lower because of increased wildlife populations and the fact the State with over half of the population of wild horses, Nevada, with 58 percent, has one of the lowest populations of beef cattle in the United States.

The actual percentage might in fact be lower. Mr. Chairman, we thank you for the opportunity of presenting our views to you today, and I would tell you that of course this is an abbreviated statement and our complete statement we want to appear in the record.

[The prepared statement of Mr. Dantzler follows:]

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TESTIMONY PREPARED FOR THE

U.S. SENATE

THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

AND

THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Frantz L. Dantzler
Director
Department of Investigations

April 11, 1983

October 12-15
1983 Annual Conference
Fort Worth, Texas

Mr. Chairman, members of the subcommittee, I am Frantz Dantzler and I represent The Humane Society of the United States, based in Washington, D.C. Our network of regional offices throughout the country, coupled with a constituency of 200,000 members and supporters, makes us the largest animal welfare organization in the United States. The problem of protecting wild horses and burros has been and remains a major consideration in our protection work, even before the passage of the Wild, Free-Roaming Horse and Burro Act of 1971. I appear before you today in opposition to S.457 introduced by Senator McClure.

In my capacity of Director of Investigations for The HSUS, I have been the primary staff member assigned to wild horse and burro issues since 1972. Therefore Mr. Chairman, I bring with me history, experience, and some expertise from the animal welfare perspective. Rather than relate a long chain of cruelty, mismanagement, and other atrocities that have characterized my association with the issue, I intend to give you our views on this important subject without yielding to the temptation of relating specific incidents today. However, I feel that it is important to realize that I have been on the scene and have first hand information in a significant number of cases involving animal abuse both before and after the 1971 Act became law.

Outlining our opposition to S.457 is not an easy task since there are numerous areas of the bill with which we strongly disagree. However, most of the proposed changes are but a poorly camouflaged scheme to draw attention away from the primary intentions of the bill, that of mandating sale of "unadoptable" horses for slaughter. The Bureau of Land Management has been trying to secure passage of just such an amendment for years. Their argument today is no less logical nor transparent than it was in 1971. The primary reasoning behind the proposal has remained basically unchanged for a number of years. Briefly, I will list the most frequent reasons offered for this legislation by the Bureau of Land Management and offer our response.

THE NUMBER OF HORSES IS SO GREAT THEY POSE A THREAT TO LIVESTOCK PRODUCERS AND TO THE ENVIRONMENT OF THE PUBLIC LANDS

The number of horses that are on public lands varies widely depending on credibility of the figures being used. Recently, for example, I inquired and received the following information from BLM. As of March 1983, 47,800 wild horses were thought to exist on public rangelands. Just two weeks ago the reported figure was 51,000. The point being that even given the best of intentions and availability of state of the art data, there is no way the BLM or any other agency can tell us just how many horses are out there. Again, this is not a new phenomenon. In fact, the figures were even less consistent during the early years of the program. Even so, using BLM's own figures and presuming that they are somewhat correct, one has a difficult time rationalizing the logic that there are too many animals. When one considers the numbers of privately owned livestock that are currently on public lands 4,314,869, and that simple arithmetic reveals an excess of cattle over wild horses by 90:1 ratio, even skeptics of the wild horse protection program should begin to wonder just why this legislation is being presented to you. Of course there are other factors to be considered as well. For example, the majority of beef cattle are not produced in the West, contrary to popular belief but in the East and Mid-West with States such as Florida and New Jersey scoring very high on the list of major producers. Indeed, the state that has far and above the greatest number of wild horses, Nevada, ranks a lowly 32nd on the list of livestock producers, according to the USDA.

And how about the environment? If we were to accept only the information given by the BLM one would be led to believe that most, if not all, the problems of overgrazing are being precipitated by the existence of wild horses, even though they are outnumbered by livestock and wildlife more than 100:1. I certainly don't beleive that and I appeal to this committee to look carefully at the BLM's self-serving statistics to put the matter into proper perspective.

THE DIRECT SALE OF UNADOPTABLE ANIMALS TO THE PUBLIC IS A NEEDED MANAGEMENT TOOL

First of all, it will not be the "public" that will be buying all these animals at auctions. Since the public can already adopt them under current regulations, the public appeal for auctions is already lost. Candidly, the BLM has already admitted what we already knew, that many of the animals will undoubtly be sold for slaughter.

When that comes to pass, we shall have traveled full circle. The original intent of the Act was to prevent the wholesale destruction of the horses by profiteers who were selling them to slaughterhouses. Now, some 12 years later, this proposal before you today would once again return us to the very situation the law was intended to eliminate. The only difference of course is that the government will be in the horse killing business; hardly what Congress intended in 1971. The irony of it all is that it is so unnecessary. Even a quick reading of the current Act will reveal that the BLM already has the authorization to destroy 'unadoptable animals' without any change whatever. What they are wanting of course is for Congress to mandate the killing so that they can hide under the security of the law when the wrath of public opinion comes crashing down, as it surely will. The process that has led to the BLM's conclusion that this legislation is needed has been paved with self-serving rule changes that make it appear logical. For example the Bureau recently changed the adoption fee for individuals from $65.00 to $200.00 per horse. That figure practically insures that smaller numbers of horses will be adopted, thereby assuring larger numbers of "unadoptable horses." And now they are asking Congress to allow them to sell the excess animals since they cannot adopt them at $200.00 a piece.

SELLING THE ANIMALS AT AUCTION WILL GENERATE MUCH NEEDED MONEY FOR THE WILD HORSE AND BURRO PROGRAM

There are few things that I could add to illustrate to this committee the sad state of affairs that our economy is in today. Indeed, both government and industry are hard-pressed to keep up with the rising tide of expenses and falling revenue that has made all of us victims of this vicious circle. The proposal before you now begins to look even more ludicrous when one examines this issue more closely. At the very moment when government is providing increased subsidies to ranchers by charging a paltry $1.43 per month for grazing rights, they are increasing the expenditures for wild horse and burro reductions on the same public lands. Also consider that it will be impossible for the program to be self-supporting particularly when salaries, helicopter rental fees, trucks, etc. are included, even if it were possible to sell each and every animal at the maximum market price. From an economic point of view, the proposal is even less plausible than the other illogical thinking that has gone into this legislation.

Additionally Mr. Chairman, we have been told by various BLM spokesmen that if this legislation is passed, the BLM would do everything possible to insure that the horses being shipped from the auction site to their final destination would be transported within the parameters of existing humane laws. Saying it nicely as I can, such a promise is meaningless. For years, animal-welfare groups have been trying to establish humane transportation regulations that would apply to the trucking industry. No such regulations exist and the prospect of having any passed by any regulatory authority in the immediate future seems little more than a pipe dream. The truth of the matter is that animals being shipped from the auction site are not covered by any federal law and at a time when we are experiencing numerous abuses by people transporting animals for private ownership, we can only shudder to think of the consequences of large numbers of horses and burros being transported by carriers to the slaughterhouses. After all, they have told us, "since they are going to be killed anyway."

SELLING THE EXCESS ANIMALS AT AUCTION WILL PERMIT PRIVATE ENTERPRISES AN OPPORTUNITY TO GAIN SOME BENEFIT FROM THE ANIMALS

This argument seems to suggest that everyone deserves a piece of the wild horse pie. After all, the ranchers would be pleased to have the horses removed, the buyers of 'killer' horses would make a profit, the BLM would be able to wash its hands of the unpleasant task of disposing of the animals, and the slaughterhouse operators would acquire a government-subsidized program to insure a steady supply of horses that could be sold for more profits.

Yet, when the supposed logic is examined, it seems to make little difference to the ranchers at all. Consider that if as many as 50% of the horses and burros were removed from public lands (approximately 33,500 animals according to BLM figures) at a tremendous estimated cost to the taxpayers of approximately $16,500,000 the very best the average livestock producer could expect in terms of increased herd populations would be on the order of 3-4%! Furthermore, the actual figure might be much lower because of increased wildlife populations and the fact the state with over half of the population of wild horses, Nevada, (58%) has one of the lowest populations of beef cattle in the United States. The actual percentage of livestock gains on a national level as a result of wild horse and burro removals become even more insignificant and would hardly be worth calculating. Mr. Chairman, what I'm suggesting is that S.457 not only represents a significant waste of tax monies, but amounts to nothing more than special interest legislation to enable a few people to make a buck. In fact, it is so transparent in its design that it should leave little doubt concerning the lack of substance that led to its introduction.

In closing Mr. Chairman, I think it would be appropriate to quote a portion of the Wild Free-Roaming Horse and Burro Act of 1971, which reads in part, "wild free roaming horses and burros are living symbols of the historic and pioneer spirit of the West (and) they are to be considered in the area where presently found, as an integral part of the natural systems of the public lands." The provisions of S.457 would dismantle the very heart and intention of the Act and render it meaningless.

The Humane Society of the United States, its members and supporters urge you to reject S.457. Thank you Mr. Chairman, for the opportunity to address the Committee today.

Senator WALLOP. All statements will be in the record, and I appreciate it, Mr. Dantzler.

Ms. RYDEN. Excuse me. I would like to also add that I want to put into the record some more material that I have written besides this testimony. Will that be possible?

Senator WALLOP. Could you tell me what the nature is?

Ms. RYDEN. It is a more extensive analysis of the National Academy of Science report, and it is quite long.

Senator WALLOP. Is it from the National Academy of Science?

Ms. RYDEN. It is——

Senator WALLOP. What I will do is we will have it either in the record or in the files, depending on its purpose.[1]

Ms. RYDEN. Thank you.

Senator WALLOP. Thank you very much.

Senator McClure?

The CHAIRMAN. Thank you very much, Mr. Chairman. I am trying to understand where you are coming from. If I state this wrong, I hope you will correct it.

But I would believe that each of you, in one way or another, is saying, first, you don't believe the BLM statistics; second, you believe that an appropriate adopt-a-horse program would place all excess animals without the necessity for any slaughter.

Am I summarizing what you say correctly?

Mr. AMORY. Speaking for myself, Senator, you are. We have spent a lot of time on the adoption fee. I don't think anybody has had more practice with up and down adoption fees than the fund for animals since we started in the Grand Canyon with $200 a burro, which at that time was a very high adoption fee.

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[1] Material retained in subcommittee files.

But they were very highly publicized burros, and we felt we could get it. We went from that to what we call a scholarship animal.

In other words, the perfect home that a young couple starting out but has some land, that we figure is going to feed him properly but, best of all, sir, there is only one problem with the adoption program—keeping track of it.

The problem here at Corbett's ranch in that awful Pittsburg, Tex., thing, was that obviously they didn't keep track of them.

You have got to have a way—Dart Anthony has put it on the computer or something—you have got to have a way. We demand that they be in touch with us every 6 months, and if they are not, we want to know why, and we come and get the animal, if necessary.

I don't think the adoption fee is the crucial thing; the right home is the crucial thing. We have, for example, many wild horses on our ranch now that we haven't adopted.

There are many ranchers there who would like——

The CHAIRMAN. Mr. Amory, I don't have very much time, and I want to allow each to, in their own way, to respond to if, as a matter of fact, I haven't stated it correctly because while the testimony in each instance goes beyond just the question of numbers on the range and the adoption program, you are opposed to a number of other things.

But I would assume that it, as a matter of fact, you believed that there were excess numbers and you believed that the adoption program wouldn't work appropriately, that you would suggest that there be some alternative.

I don't think any of you are saying just allow the numbers out there to grow indiscriminately to whatever number they may desire to grow.

Ms. CUSHMAN. First of all, Senator McClure, may I please introduce—I have got petitions here and some letters from some schoolchildren in New Hampshire in opposition to the bill.

I have got 1,700 signatures in the petitions.

The CHAIRMAN. We would be happy to receive those and I would ask they be placed in the file.

Ms. CUSHMAN. Thank you.

I don't think any of us really think that the horses should just populate out there. I think what we are asking is that BLM be fair, BLM do their job.

The CHAIRMAN. You are starting out by saying that you don't believe the numbers.

Ms. CUSHMAN. No, I am saying I don't believe that we should let them grow forever and ever and ever.

The CHAIRMAN. All right.

Ms. CUSHMAN. The counts now are probably fairly accurate. In 1971 they didn't know how to count horses then.

They have learned a lot since then on how to count horses, so I don't accept the 17,000 for 1971. But I think what we would like to see is that BLM put a little effort into the adoption program.

It was working well before the fees were instituted. You pay $90 for a horse in Harrisburg, Pa. I don't see why the horse program should be the only user of public land that is required to pay its own way.

Hunters don't. Cattlemen don't. Why should horses?

The CHAIRMAN. I understand your statement, but you want a good adopt-a-horse program and you don't object to the control of numbers if that doesn't succeed in doing it correctly or adequately.

Ms. CUSHMAN. If you are asking me if I would ever support Senate bill 457, no.

The CHAIRMAN. Well, all right, what is your alternative?

Ms. CUSHMAN. Let's work on the adoption program.

The CHAIRMAN. All right. That is what I said at the outset. First you don't believe the numbers and, second, you want a good adopt-a-horse program.

Ms. CUSHMAN. Yes.

The CHAIRMAN. All right.

Ms. RYDEN. I would like to address myself to the method of rounding up horses. Actually, there are ways to reduce a herd using the adoption program as an adjunct, but one in which you would alter the sex ratio in the particular herd and, therefore, you would have an automatic decrease in the birth rate.

Now let me just try to make that clear. If you have a herd of—a normally structured herd, you will have about half females and about males.

It may not be immediately apparent because of the harems, people don't see it that way, but that is how horses are born: half male, half female, and the studs run together for a while.

Now if you skew that balance a little bit, you will see some surprising things. For example, if you have 100 horses, 99 of them, let's say, are female and 1 a male, potentially you could have a birth rate of 99 percent because only the female can produce that birth number.

If you skewed it the other way and you had one female and 99 males, you would have 1 foal that year. So you can see that there is a way if you are constantly pulling out stallions and hoping to get them adopted and they are unadoptable, you are making a mistake.

If you could occasionally round up females, you could slow down the birth rate and not have to have so many roundups.

And I have discussed this with Dr. Frederic Wagner and we have done a computer model on it. It isn't as successful as we had hoped, but it is successful enough to account for a great saving in number of roundups necessary, number of adoptions necessary.

Senator WALLOP. Ms. Cushman, could I ask one further question of you? I think that is about all I have time for.

You point to the fact that S. 457 deletes the phrase "where found in 1971." I think the 1971 act said "where presently found."

You would like us to state again "where found in 1971" if any amendment were adopted; is that correct?

Ms. CUSHMAN. Yes.

Senator WALLOP. There are others who are fearful that it is the attempt of the BLM to introduce them in areas where they were not found in 1971.

I would understand you not to support that effort.

Ms. CUSHMAN. From following the way BLM is handling the program, I would seriously doubt that they would ever introduce them where they do not exist now.

We would just like to help preserve them where they were in 1971.

Senator WALLOP. Where they were in 1971. Thank you very much, Mr. Chairman.

I might just point out that others have testified that they interpret that exactly the opposite of your interpretation and, you know, I mean, others not of your persuasion. Senator Melcher.

Senator MELCHER. Hope Ryden, you certainly risk prejudicing the Democratic part of this subcommittee right now by—I am the only one here—by saying that you like Wyoming best of all.

Haven't you ever been to Montana?

Ms. RYDEN. Well, excuse me, I was very tactless. I love Montana.

Senator MELCHER. Very good. But——

Ms. RYDEN. As a matter of fact, when I study horses in the Pryor Mountains, I don't know whether I am in Montana or Wyoming.

Senator MELCHER. Well, come further into the State and you will be sure. We do share that. Mostly in Montana, though, but part of it is in Wyoming. I find a little bit of fault, though.

I happen to fully agree with you. That 19—you said 1971 number; I don't know whether it was 1970, 1969 or when they supposedly counted those horses, but I don't think it was accurate.

Ms. RYDEN. It wasn't accurate.

Senator MELCHER. And perhaps it was impossible to get an accurate number; I don't know. But 17,000 doesn't sound very accurate.

Ms. RYDEN. I had done my own survey at that time by writing to all the BLM offices, and I got a much higher total.

Senator MELCHER. Composite figure doing it that way.

Ms. RYDEN. Than the Washington office is giving out.

Senator MELCHER. I don't know that you emphasized that nutrition is the most important thing.

Ms. RYDEN. That what?

Senator MELCHER. Nutrition is the most important aspect of health, and unless we recognize that, I think we are going to have a hard time ever having any success with any kind of animal.

Ms. RYDEN. I don't quite understand what you are saying.

Senator MELCHER. Well, I don't think your testimony dramatized or emphasized sufficiently that unless there is adequate nutrition there just aren't going to be any healthy animals and there is not going to be much population—much birth rate.

Ms. RYDEN. But it wasn't demonstrated to the National Academy of Science committee that the horses were starving to death.

They couldn't find any. They also were unable to find any real indication that the horses had damaged—I wasn't able to read all my testimony, but——

Senator MELCHER. Well, I think that—I think there are areas where——

Ms. RYDEN. Well, where there are areas, then I think that——

Senator MELCHER. And where they are concentrated like that——

Ms. RYDEN. Where they are concentrated I have no objection to them reducing these animal numbers. But it has not been demonstrated to the National Academy of Science committee that this is a very prevalent situation.

Senator **Melcher**. Well, it shouldn't be, but unless there is adequate nutrition, I don't think we are building on much.

And I think these pockets of overgrazing where there are large numbers of wild horses have to be eliminated; that is all.

I understand your testimony; You would just depopulate that area and put them in some other area.

Ms. **Ryden**. No, I wouldn't have them moved. I think that——

Senator **Melcher**. Well, what would you do?

Ms. **Ryden**. Where the area is not supporting them—obviously it has been supporting them or they would all be dead.

If it looks like the area is degrading——

Senator **Melcher**. Well, some of those in the Pryor Mountains were in terrible shape at various times during the past 25 years.

Ms. **Ryden**. The Pryor Mountain horses, I have been watching them very closely. I know practically every one by name.

Senator **Melcher**. For how many years?

Ms. **Ryden**. Thirteen.

Senator **Melcher**. All right. During the past 25 years there has been times when some of those horses have been in terrible shape.

Ms. **Ryden**. Well, I don't know what they were like before I started watching them, but for 13 years I have seen watching them, and I haven't seen them in terrible shape.

In fact, I am just astounded that some live so long.

Senator **Melcher**. Well, we passed the act in 1971, and that is 12 years ago. And part of the reason for passing the act was that the Pryor Mountain herd need better management, and there was plenty of testimony at that time that they are going to need more rangeland.

Ms. **Ryden**. Wait a minute. In 1967 that was declared a horse refuge. We didn't pass the act for the Pryor Mountains; they were already protected in——

Senator **Melcher**. I am talking about the 1971 act. When we passed the 1971 act, there was plenty of testimony that at times the Pryor Mountain herd was in terrible shape or some of them were and it pointed to better management being needed, absolutely necessary.

Ms. **Ryden**. In 1968 the Secretary designated the area a wild horse refuge. So those horses were not in need of an act.

Senator **Melcher**. I am not talking about 1968 and when it was designated a wild horse refuge; I am talking about the Pryor Mountain herd that has been around in and about those 34 or 40 sections, whatever they have got for them, for a long time.

Well, I don't want to belabor that point, but I think that what we have to use as a basis for our managing these animals is starting with nutrition and, Mr. Amory, I think that is the basis of humane treatment.

I think that is fundamental to humane treatment. I was delighted to hear what you said about burros, that you didn't think there was going to be many of them left after a while because—and they are going to be down to a manageable number because of your adoption program.

But I don't really believe that you serve any purpose in being belligerant to me or anybody else on this committee, and I think that you weaken your case automatically when you say that the cost should be recognized as about one-fourth—I think that is your words—one-fourth of what they have spent would have been adequate.

Well, it costs more than that. If you are going to maintain these animals and have health care, parasite control and all that goes with it, without spending money.

Mr. AMORY. Well, sir, I didn't, you know, mean that there wasn't money to be involved. I just, at a meeting in Denver of all of our groups together, we drew up some programs as to what would happen if you just washed your hands of the Bureau's program altogether and said, let's turn it over to the private groups, which President Reagan certainly has been in favor of that kind of thing in certain areas.

I just mentioned that our group over the next time that you have spent $30 million so far since 1976 could do it for about a quarter of that.

That is because we use a lot of volunteers. That is because we use a lot of people that aren't on, you know, kind of benefit kind of work, we have no overhead to that extent.

I, for instance, work for nothing, you know, so that you have got some advantages in private groups doing it. But most of all I think some of the costs built in there are quite wrong.

In other words, we have had great success with adoption out of old rather useless horses by people who just like to have them in some area and like to look at them.

Senator MELCHER. My time is up, but I want to say that, Kathryn Cushman, when you say that—I think it was you that stated you thought the adoption fee should be reduced, that that impeded the adoption program.

Mrs. CUSHMAN. Yes, Senator.

Senator MELCHER. And I certainly agree with you. I think you have to recognize if you are going to manage these wild horses there is going to be a cost, number one.

Second, if the adoption fee impedes the adoption out of these horses, then we ought to reduce it, by all means. Sometimes you get to the point of you are either going to spend a lot of money managing them or you are going to pay somebody to take them off your hands.

But I certainly don't agree with you, Kathryn Cushman. If you think that horses that are well managed and have adequate nutrition are only going to have a birth rate increase that would reflect a 10-percent population increase, that is fantastic.

If there is only a 10-percent increase, that means that they are not properly managed, they don't have adequate nutrition, they have got parasites or they have got health problems or something is wrong and we have got a lot of inbreeding that has resulted in sterile animals.

Mrs. CUSHMAN. Senator, that 10 percent population increase figure came from scientists hired by Congress to do this report for the National Academy of Science.

Senator MELCHER. All right, I want to state for the record I vehemently disagree. Having come from an area where there are so-called wild horses and having some scientific background myself on a very practical basis as well as being trained in it, that is totally unbelievable, and you might as well tell whoever the scientists are that told you that that it is all a bunch of hogwash.

Mrs. CUSHMAN. Well, it is in the report.

Senator MELCHER. Horse-wash.

Senator WALLOP. Senator Hecht?

Senator HECHT. Thank you. No questions at this time.

Senator WALLOP. I just have some observations. One question of you, Mr. Dantzler. You are calling for an expansion of the horse ranges?

Mr. DANTZLER. My testimony didn't reflect that necessarily.

Senator WALLOP. Well, it does when you talk about the number of horses and the number of livestock and we are talking one of the reasons for this bill is horses on their ranges.

You cannot exponentially increase horses on their ranges without doing both damage to the range and the horses. I assume you are calling for an expansion of the ranges.

Mr. DANTZLER. Actually, I am not. What I am asking for, Senator, is that we look at this thing carefully because, as it has been discussed, the adoption program has been less than successful.

I think it was more successful before the fees were raised, and perhaps it can get even more so, it can reverse the trend with the reduction in fees; it is too early to tell.

I think that the point that I wanted to make is that if the Bureau would exercise responsibility in the way, in the manner and scientific judgment when animals were removed from the land and that coupled with an increased efficient adoption program, that we would not have the problem that we have.

Surely in addition to that, the current law, which hasn't been talked about a great deal this morning, allows the Bureau to destroy the animals in a humane manner.

It seems to——

Senator WALLOP. It not only allows them it directs them to.

Mr. DANTZLER. It seems to bother the administration a great deal that—to destroy these animals in a humane way if no place can be found for them given the best of circumstances, yet it seems to make little difference to advocates of that point of view that they would be subjecting the animal to far more suffering during the transportation process to slaughterhouses.

Senator WALLOP. Well, I would suggest to you, Mr. Dantzler, that one of the reasons they were reluctant to do it is because every time they start to do it somebody lawsuits them out there and they are prohibited from doing what the law directs them to.

Let me make some other observations. Ms. Ryden, you said that the NAS study showed that there was no range damage.

I think that if you read the range damage assessment part of the NAS study you will find that, like some of the other conclusions that they arrived at, they can be postured as sitting on the fence with both ears to the ground in that study.

And if you are going to quote the study, then it pretty much refutes your theories on sex manipulation as a means of control because they have a paragraph on that in which they really doubt very much that it would be very effective.

Ms. **Ryden**. They don't doubt that it would work; they just didn't foresee how it could be accomplished, and I do. I see how it can be accomplished.

Senator **Wallop**. Well, they also said that it would be effective. And, Mrs. Cushman, you said in your response to Senator McClure why should the wild horse program be the only one that is not subsidized under public lands.

We would point out to you that our cost right now is over $400 per horse in the adoption program. Now that is a subsidy even if you are doing it at $200, but it has been reduced below that. I think that is important.

And I would ask you one other thing. You made a sort of mystical reference in your statement to two studies of the BLM—one that you had documents to prove that BLM planned to eliminate the wild horses that you would provide if asked. I would ask that.

Ms. **Ryden**. Yes.

Senator **Wallop**. Second, yqu had a study with you that they planned to raise the fees so that the adoption program wouldn't work, and I would ask you to supply that.

Ms. **Ryden**. That was not exactly what I said. I said that I have a—I don't have it with me; I do have it at home and I can mail it out immediately when I get there, but I have a study by the BLM that was instituted before the fee, while the fee was just being considered, and it took different fees and estimated what percent of adopters would be eliminated by each fee.

The $200 fee would eliminate 85 percent of the adopters. That was published before the fee was instituted, and I will send you a copy of that immediately.

Senator **Wallop**. OK.

And, Mr. Amory, I would ask you if all the horses that—and burros that were gathered on the population control efforts, would the fund for animals do as you suggest and just take them all over and adopt them out?

Mr. **Amory**. Well, we sure do our best. We couldn't do it—you know, as I say, we spent about $1 million so far.

We have had some remarkable success in adopting out animals that the BLM seems to regard as unadoptable—older horses—by finding people who have ranchland, fenced in, who just want, in their maybe senior years of life, to watch old wild horses run their ranch, and do it very inexpensively, incidentally.

Now I would believe that if a lot of attention was given to these horses instead of the general attitude of our previous panel, which just didn't like them, you know, let's decide we like them, Senator, and see what we can do for them.

Senator **Wallop**. Now, Mr. Amory, the time for this panel is up, but I haven't heard anybody testify they don't like them.

And I don't know anybody on this Senate committee who does not like them.

Mr. **Amory**. Well, that is good news.

Senator **Wallop**. But I do also not know anybody who likes to see them suffer. I do not know anybody who has reasonable care for the ranges that wants to see those population explosions that have taken place.

You know, it is not fair to just characterize this committee—Senator McClure, Senator Wallop, Senator Melcher, anybody—as not liking wild horses.

Mr. AMORY. Well, if so, I apologize. I didn't realize. I read statements, for instance, in this Texas case that said Mr. Rogers, who I believe is Senator McClure's assistant, said there would be no restriction on what the buyer could do with the animal; in other words, under this new program.

Now that is not right, sir, you know.

The CHAIRMAN. But that would be true of those that were sold because it would be expected that those that were excess might have to be slaughtered because the adopt-a-horse program was intended to place those that could be adopted and cared for by people who wished to have a horse or a burro for a pet.

I understand that you don't want to see any animal slaughtered, but even the humane shelters do dispose of excess dogs and cats that can't be placed, and there are excess horses that cannot be placed.

Mr. AMORY. But we don't do it with wild animals, sir. And, under the law, these are wild animals; they are wild, free-roaming animals, and we are not about to send them to slaughterhouses, it seems to me.

The CHAIRMAN. You wouldn't, regardless of numbers. But your hope is that they could be placed somewhere with someone who cares for them.

I would agree with that hope. That expectation, however, is not being realized in practice. Now I would hope we can work together to find a way to make that work, and if there is a way to make that work, fine. I am in favor of that.

Mr. AMORY. Well, we have proved our willingness to work together. We are working day-by-day with the BLM now.

Senator WALLOP. We have now three more panels to try to get through. Senator McClure?

Senator McCLURE. Mr. Chairman, might I make just one statement lest the record be incomplete on this point. It was suggested, I think, by one of the witnesses that the National Academy of Sciences was not able to find any instance in which there was any lack of adequate diet for these horses on the ranges.

And I refer only to the Executive Summary of the National Academy of Sciences Report, point No. 5, page No. 1.

It says, "Starvation has been observed in some horse herds and reported for some burro populations." I thought that should be stated for the record at this point. Thank you.

Senator WALLOP. Thank you very much, all of you. The next panel is Mr. Wes Hayden, legislative counsel for the International Association of Fish and Wildlife Agencies; Clare Hendee, Society for Range Management of Bethesda, Md.; Rexford Resler, executive vice president, American Forestry Association; Dr. Edwin E. Goodwin, extension horse specialist, University of Maryland, and Lonnie L. Williamson is with Mr. Hayden, secretary, Wildlife Management Institute. Jerry Thiessen, the Idaho Department of Fish and Game. Mr. Hayden.

STATEMENT OF WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. HAYDEN. Thank you, Mr. Chairman. I am Wes Hayden, legislative counsel for the International Association of Fish and Wildlife Agencies.

Our organization, as you gentlemen know, has agency members in each of the 50 States and has as its primary objective the promotion of measures to insure realism and balance in the conservation and management of the natural resources with which we are involved and concerned.

We therefore have a direct and vital interest in any policy or legislative proposals which would contribute significantly to the achievement of those goals.

It is on that basis that I can report to your subcommittee the Association's full support of S. 457 as it would amend the Wild Horses and Burros Act of 1971.

And I would emphasize that the thrust of our statement is to accentuate the term "realism and balance" in the management of wildlife and natural resources.

I would emphasize at the outset that we have no quarrel with the underlying philosophy which inspired the Wild Horses and Burros Act of 1971—the desire for preservation of a species providing a link with this Nation's pioneering past and its Western heritage and traditions.

That, in our judgment, is still a valid objective and one which requires assignment of specific responsibilities to the Bureau of Land Management and the U.S. Forest Service for management and the necessary degree of protection for these free-roaming herds on public lands.

We have, however, come to seriously question, on the basis of experience under 12 years of this act, the need or even the desirability of some of its provisions.

Rather than simply insuring survival of the herds, restrictions written into the bill have allowed their numbers to more than double and there is some question as to whether double is accurate or overconservative because the evidence now is, granting that the 17,000 figure of 1971 was too low—and I have seen estimates as high as 20,000 to 25,000 as a starting point—the fact remains that the present population is estimated at 50,000 to 60,000, perhaps even higher, so double is a conservative figure there.

And I point out also that that has taken place notwithstanding the fact that I haven't heard any dispute of that figure that there have been 42,000 adoptions during that 12-year period.

So there has been a population explosion certainly beyond the point that was anticipated, beyond the point that is even realistic or acceptable.

The result of the increase I do not need to tell anybody on this panel, because you are coming from the areas that are most directly affected, that there has been a very definite impact on range resources, very definite impact on plantlife as well as wildlife.

Basically, what we have is a situation, unexpected as it was in 1971 or at least it is the result of action which has gone beyond the expectations of the passage in 1971, we have wild horses and burros in the position of being more of a favored species than is justified by circumstances rather than being treated as another indigenous species which is not threatened with elimination.

It is not an endangered species by any stretch of the imagination. It is simply a resource to be used, to be managed, to be preserved, to the degree that is important and which is logical and appropriate.

We are advised that BLM is using at least half of its wildlife resources management money for the wild horses and burros program.

We believe that is excessive and unnecessary. Obviously, it is going to take more than simply the adoption program in its present form to correct the imbalance which now does exist.

But if S. 457 is enacted, providing for the sales authority, that is going to be a very strong and correct step in the right direction.

I won't burden you with going into the basis for all of the advantages of the sales authority. That has been stated in previous testimony and doesn't need repetition at this time.

I would point out, however, that it seems a little incongruous to us that BLM and Forest Service are denied sales authority whereas Park Service and the Fish and Wildlife Service under the Department of the Interior can exercise and do exercise sales authority for excess aninals found on public land which is in their jurisdiction.

I think that perhaps is a situation that ought to be corrected. I would point out that our support of the sales authority and other improvements which S. 457 would provide are not a new position where the international association is concerned; it is a matter of record that we proposed such action in our annual meeting in 1979, something like almost 4 years ago.

Thank you for the opportunity of presenting our views now. If you have questions, I will be glad to answer them.

[The prepared statement of Mr. Hayden follows:]

STATEMENT OF WES HAYDEN, LEGISLATIVE COUNSEL, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES, TO SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVE WATER CONCERNING S 457, AMENDING THE WILD HORSE AND BURRO ACT 1971, April 11, 1983

Mr. Chairman, I am Wes Hayden, Legislative Counsel for the International Association of Fish and Wildlife Agencies.

Our organization, as you know, has agency members in each of the 50 states and has as its primary objective the promotion of measures to insure realism and balance in the conservation and management of the natural resources with which we are involved and concerned.

We therefore have a direct and vital interest in any policy or legislative proposals which would contribute significantly to achievement of those goals.

And it is on that basis that I can report to your subcommitte today the Association's full support of S 457 as it would amend the Wild Horse and Burro Act of 1971.

Let me emphasize at the outset that we have no quarrel with the underlying philosophy which inspired that legislation--the desire for preservation of a species providing a link with this nation's pioneering past and its western heritage and traditions.

That is, in our judgment, still a valid objective and one which requires assignment of specific responsibilities to the Bureau of Land Management and the U.S. Forest Service for management and the necessary degree of protection for those free-roaming herds on public lands.

We have come to seriously question on the basis of experience under the program since the measure was enacted, however, the need or even the desirability of some of its provisions.

Rather than simply insuring survival of the herds, restrictions written into the bill have allowed their numbers to more than double in the 10 western states most directly affected over the past 12 years. From a starting point of between 20,000 and 25,000 when the bill was passed, estimates put the present population at between 50,000 and 60,000 now--notwithstanding removal of 42,000 of the animals during that period under the adoption program authorized by the legislation.

Result of that increase has been to put a severe strain on range resources wherever they forage and to adversely affect other forms of wildlife competing for that habitat and living space. In short, the wild horses and burros have become a favored species, rather than one subject to the rules of sound conservation and management governing other indigenous wildlife.

Meanwhile, the situation has also imposed additional strains on the management agencies, both in personnel time and in funding support for the program.

BLM, we are advised, is now using at least half of its available wildlife management funds on the horses and burros program--an outlay close to $5 million a year. Much of that time and expense is attached to the requirement for monitoring adoptions for a year after they are initiated.

Obviously it will take more than the adoption program to correct the present imbalance, even if that phase of the program were to be spurred by simplifying its provisions and by reduction of adoption fees below those set in a recent cut.

And we are persuaded that the sales authority which would be given the management agencies under S 457 is both necessary and entirely appropriate for that purpose.

It would have the advantage of reducing the size of the herds to a more manageable level over the coming years while making more of the animals available for private uses and at the same time providing an additional source of revenue for budget-tight agency wildlife management operations.

And it is worth noting that the Fish and Wildlife Service, not covered under the Wild Horse and Burros Act, is already conducting sales of such animals rounded up on land under that agency's jurisdiction.

It may take other program changes to correct the problem but we regard the sales authority as an important step in that direction.

It may interest you to know that the IAFWA first proposed such a move almost four years ago--through a formal resolution adopted at its 1979 annual meeting.

We are more than ever convinced of its need now, both to address the immediate problem and in the interest of sound resource conservation and management practice.

We commend you and your colleagues, Mr. Chairman, for your attention to this need in S. 457.

We urge favorable action on the measure by your subcommitte and can assure you of our organization's support in seeking its final enactment.

Senator WALLOP. Thank you, Mr. Hayden.

Mr. Hendee.

STATEMENT OF CLARE HENDEE, VOLUNTEER WASHINGTON REPRESENTATIVE, SOCIETY FOR RANGE MANAGEMENT, BETHESDA, MD.

Mr. HENDEE. My name is Clare Hendee. I am a volunteer Washington representative for the Society for Range Management. I appear today representing both the Society for Range Management and the Wildlife Society.

These two professional organizations strongly support S. 457.

They are international in scope. They represent individuals and groups with a common interest in the study, management, and rational use of public and private rangelands and related ecosystems.

They include ranchers, wildlife biologists, hydrologists, range conservationists, students, teachers, businessmen, and others reflecting the wealth and variety of rangeland values and the diversity of interests in rangelands.

SRM and TWS support sustained multiple use of rangeland resources and have members with expertise in all rangeland and wildlife management sciences and in coordinated resource planning and management.

The memberships have a public and professional interest in seeing that the Wild Horse and Burro Act is effective. Without amendments to the present law, the on-the-ground resource will suffer.

The natural habitat for the horse and burro population as well as the habitat for all wildlife species occurring on those areas will inevitably deteriorate to their detriment and possible eventual exclusion.

Our comments on the specific law are lines 8 through 11, page 1 as amended, are entirely acceptable. SRM and TWS support the idea of a healthy wild free-roaming horse and burro population that is managed under multiple-use principles.

Lines 19 and 20, page 1, and proposed amendments, page 2, are reasonable. SRM and TWS particularly agree that appropriate State and Federal agencies should be consulted.

Likewise, that public input be encouraged through the advisory board as outlined in lines 19 to 26, page 2.

On page 3, SRM and TWS agree that wild horse and burro management should be tied into the resource management objectives for the area, as established in land use plans.

On page 5, we support the principle that the Secretary shall establish by regulation adoption fees that discourages speculation and that promotes a viable adoption program.

Likewise, SRM and TWS support the amendment, page 5, that after adoption demands are met, if there are additional surplus animals, they should be sold at public auctions.

It is also logical that any such animals should become subject to all State and local humane and sanitation laws and all Federal humane laws other than this act.

SRM and TWS agree that revenues from sale or adoption of animals under this act, as outlined under the (d) section, page 5, should be used for reimbursement for the costs by the agencies affected.

If it turns out that this section is not approved, SRM and TWS still strongly favor public auction sales of surplus animals over and above adoption numbers.

The practical amendments for granting title as outlined on page 6 meets with our approval.

These two agencies also favor the appointment of an advisory board as directed in section 7, page 7. Likewise, we support the proposed penalties, page 8, for violations of the act.

Simplification of the procedures for use of helicopters as outlined on page 9 appears desirable and humane as well as cost effective.

In summary, SRM and TWS believe that perpetuation of a continuous wild horse and burro population is dependent on a healthy range resource. We also believe that an amended act is needed that gives the land managing agencies the authority to assure protection of the range resource under a multiple-use principle of management.

After adoption requests have been met, there should be authority using public auction to sell the additional surplus animals, if any.

Disposal would be necessary only for crippled or unsaleable animals, if sale authority is granted the agencies.

SRM and TWS also believe that the image of the Federal land management agencies will be enhanced under the surplus animal sale program.

It is important that the agencies have the legal and administrative policy tools necessary for the most humane controls of this dynamic horse and burro population.

This horse and burro population, in turn, is dependent on the proper management of the renewable and dynamic range resource by the land management agencies.

We appreciate the opportunity to present this paper.

Senator **WALLOP**. Thank you, Mr. Hendee. We compliment you on your timeliness. It is remarkable.

Mr. Resler.

STATEMENT OF REXFORD A. RESLER, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION

Mr. **RESLER**. Good morning, Mr. Chairman, gentlemen of the committee. My name is Rexford A. Resler, and I am executive vice president of the American Forestry Association.

We strongly support the purposes of the original Public Law 92–195, the Wild and Free-Roaming Horse and Burro Act of 1971.

I guess this is one piece of legislation that has proved to be extremely effective. Our problem at this point in time is that it has been so effective under the leadership of the Bureau of Land Management and the Forest Service, that now we are confronted with surplus animals.

And the question really turns on, How do we dispose of those surplus animals? I would like to call to your attention the preamble to the original act, which states that the purpose of the act is to require the protection, management, and control of wild and free-roaming horses and burros on public lands.

One of the things that disturbed me for some time is that a high proportion and maybe an unnecessary proportion of the agencies' efforts have to be devoted to monitoring that option program and otherwise assuring that the purposes of the act are being completed.

I have no real fault with that provision. There is no other alternative available to them. But when they are faced with the option of either adopting out as many animals as possible or, alternatively, as the chairman and others have pointed out here today, using the only other mechanism available today; namely, slaughter of the animals that exceed the range capacity and are surplus to the adoption potential.

I think that puts the agencies in an absolutely untolerable position. You can imagine, you have seen in the past, what kinds of media attention is accomplished when there is any kind of a program of that type undertaken.

I firmly believe that the agencies have biologically trained specialists in the field that are perfectly capable of managing these animals.

They are capable of counting animals. They are also capable of melding the relationship between wild horses and indigenous species and domestic livestock in order to conform to the several pieces of legislation with which they must work.

We support strongly Senate bill 457 and the provision particularly that provides another tool for these agencies managing their total resource.

And I would finally point out that there is a suggestion or was a suggestion made this morning that we need to look at the relationship between this new bill and the old bill so as to avoid having two pieces of legislation on the books simultaneously.

We appreciate the opportunity to testify, and I would like to commend the members of this subcommittee for their knowledge of a very real problem the agencies are facing. Thank you.

[The prepared statement of Mr. Resler follows:]

AMERICAN FORESTRY ASSOCIATION
balanced forest use
Founded 1875
1319 Eighteenth Street NW Washington DC 20036 telephone (202) 467-5810

Subcommittee on Public Lands and Reserved Water
Committee on Energy and Natural Resources
United States Senate

April 11, 1983

My name is Rexford A. Resler, Executive Vice President of the American Forestry Association, the nation's oldest national, citizens' conservation organization.

We strongly support the purposes of P.L. 92-195, the Wild and Free-Roaming Horse and Burro Act of 1971. The herds of wild horses and burros are valuable reminders of this nation's pioneering spirit. We are very pleased that the Act accomplished its primary objective of halting the indiscriminate capture and abuse of these living symbols of our past. The growth in population of wild horses and burros attest to the success of the legislation and to the effectiveness of protection provided by the Bureau of Land Management and the Forest Service.

The combination of protection from capture and lack of natural predators, however, has resulted in over-population of some ranges with habitat deterioration the natural consequence. Despite the agencies best efforts to use the tools of population control provided in the 1971 Act, namely adoption and humane disposal, wild horse and burro populations have exceeded the carrying capability of their natural ranges. Depleted ranges affect herd vitality of all wild animals, including indigenous species of wildlife, and impair the ecological condition of native ranges.

We believe that the agencies must be given the authority to dispose of surplus animals which exceed the adoption demand by means other than killing. The basic purpose of the Act is "To require the protection, management, and control of wild and free-roaming horses and burros on public lands." (Emphasis added.)

The Wild, Free-Roaming Horse and Burro Act was designed originally to protect the few remaining wild horses and burros on public lands from harsh handling by those interested only in getting the animals to slaughter-houses for a quick profit. With the drastic decline in the wild horse and burro population, primary emphasis was placed in 1971 on preserving the few remaining wild horses and burros as symbols of the wild American west. The 1971 Act also provided for managing wild horses and burros as an integral part of the natural system of the public lands and, in overpopulated areas, for controlling their numbers.

By 1978, the wild horse and burro population had increased beyond the capacity of their habitat in many areas, especially many areas administered by the Bureau of Land Management. It became apparent that controlling the wild horse and burro population was imperative if a multiple-use environmental and natural ecological balance were to be maintained. Amendments to the Wild Free-Roaming Horse and Burro Act were included in the Public Rangeland Improvement Act requiring the immediate removal of excess animals to protect the range from the deterioraton associated with overpopulation.

The amendments specify methods for disposing of the excess animals. First, sick or lame animals must be humanely destroyed. Then, healthy excess animals must be made available for private maintenance as long as an adoption demand by qualified individuals exists. Lastly, if qualified adopters cannot be found, the animals are to be destroyed in the most cost-effective and humane manner possible.

The two federal agencies charged with administering this Act, the Bureau of Land Management and the Forest Service, are now finding it difficult to place the excess animals in private maintenance. As a direct result of the drop in adoption demand, the Bureau of Land Management is now maintaining approximately 1500 excess wild horses and burros. Under the current law, Bureau of Land Management officials should be destroying these animals. Understandably, the agency is most reluctant to do so.

S.457 provides a long-term solution to wild horse and burro management by amending the Wild Free-Roaming Horse and Burro Act to allow the government to sell excess animals for which foster homes cannot be found. Revenue generated from the sale would be returned to the Bureau of Land Management and the Forest Service for wild horse and burro habitat improvement. Humane treatment of animals after such sale would be afforded by State, local, and Federal laws that have been successful in protecting domestic animals.

The American Forestry Association is in complete agreement with S.457 as it:

1. Recognizes that wild horse and burro populations are thriving and not in danger of disappearing.

2. Recognizes that it is the intent of Congress to maintain on public lands administered by the Secretaries of Agriculture and the Interior a population base of wild horses and burros consistent with the principle of multiple-use.

3. Reaffirms the intent of Congress to protect rangeland resources for all animals sharing them, including wildlife, domestic livestock, and wild horses and burros.

4. Provides for management of wild horse and burro herds and their habitat in accordance with resource management objectives for the area developed in land use planning.

5. Authorizes the sale of excess animals for which no adoption demand by qualified individuals exists.

6. Provides the protection of State and local humane laws to excess animals that are sold and no longer protected by Public Law 92-195, as amended.

7. Provides revenue for wild horse and burro management and reduces Adopt-A-Horse Program subsidies by returning proceeds from the sale of unadopted excess animals to the program.

8. Provides for increased public participation in the development of regulations and policies concerning wild horse and burro management by re-establishing an advisory board.

9. Deters individuals from illegal capture, sale, inhumane treatment or care, and other violations of the regulations by increasing the penalty for conviction of a second offense.

10. Authorizes humane and supervised use of helicopters and motor vehicles to remove horses and burros from National Park Service and U.S. Fish and Wildlife Service lands.

11. Improves the cost-effectiveness of the program by eliminating unnecessary program requirements such as public hearings on the use of helicopters (public notification would be required) and the biennial report to Congress (information would be transmitted through existing annual agency reports); and by reducing compliance and titling costs.

We appreciate the opportunity to testify on S.457. We are pleased to join the many other individuals and organizations who wish to see healthy populations of wild horses and burros perpetuated on the public lands by providing the responsible agencies workable authorities for disposal of surplus animals.

Senator WALLOP. Thank you, Mr. Resler.
Dr. Goodwin.

STATEMENT OF DR. EDWIN E. GOODWIN, EXTENSION HORSE SPECIALIST, UNIVERSITY OF MARYLAND, COLLEGE PARK, MD., ON BEHALF OF THE TRAIL RIDERS OF TODAY

Dr. GOODWIN. I have lived in College Park, Md., Mr. Chairman and members of the committee, for the past 20 years and have horses at Cloverly, Md., and Brandywine, Md.

I grew up with horses and mules in Louisiana and served 2 years as staff member and graduate student at Cornell University in New York State and 7 at Washington State in Pullman, Wash.

I was there when students burned WSC on the Idaho field and got caught on the way home.

I am speaking for Trail Riders of Today. We are a young local organization of about 350 members located mostly in Montgomery County, Md.

We work to support our horses and to preserve the existing trails and develop new ones, and for general horsemanship improvement.

We believe changes to the Public Law 92-195 are needed. We want to emphasize philosophy and administration and not details.

Now, we appreciate the horse's myriad attributes and contributions to society through enhancement of quality of life and environment, mental and physical health therapeutics, and development of sportsmanship, knowledge, skills, responsibility, and citizenship in our youth and their families.

We see marvelous responses by severely handicapped people in development of latent residual physical, mental, and emotional capabilities through stimuli from horses and horse-related activities.

Those of us whose handicaps are less severe or less obvious must surely benefit likewise, to greater or lesser degrees.

Where the horse is concerned, it is all too easy to let our emotions overrule our logic in decisionmaking, at the expense of sound judgment.

In caring for our domesticated horses, this is a hazard and a responsibility that we must face every day.

To allow the undomesticated or wild horse and burro to overpopulate or degenerate to their detriment and destruction to human social and economic loss would be foolish, literally wild in all the derogatory senses of the word.

The horse, the heritage and the resource can be enhanced through sound, sensitive legislation and administration. Good horsesense, good horse management, and good business management is the best for man, horse, and burro.

Guidelines can be written, but good sense and good management call for adjustments and fine tuning as conditions change.

No private horseman could survive under an absolutely rigid modus operandus. Given authority for flexibility, the Bureau of Land Management and the U.S. Forest Service have the expertise, we believe, and the experience on hand and on call to serve the best interests of the wild horse and burro in concert with the interests of each of us concerned, including trail riders of today and tomorrow.

Therefore, we support S. 457. Thank you.

Senator WALLOP. Thank you, Dr. Goodwin.

Mr. Williamson.

STATEMENT OF LONNIE L. WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. WILLIAMSON. Thank you, Mr. Chairman. I am Lonnie Williamson, Secretary of the Wildlife Management Institute. The Institute is staffed with experienced and professional resource managers and has been devoted to the restoration and improved management of wildlife and associated natural resources since 1911.

We support S. 457. We think for too long that the feral horses and burros have either been mistreated or mismanaged.

And in the longer term, we feel that mismanagement is fully as abusive of these creatures as is direct mistreatment. Moreover, mismanagement is having a severe impact on certain native wildlife.

There are numerous areas in Western States where excessive numbers of feral horses and burros have degraded and destroyed habitat for native wildlife.

A prime example is the desert bighorn sheep. A recent Bureau of Land Management task force assessed desert bighorn herds in Arizona, California, Nevada, New Mexico, and Utah.

The group of 9 experts reported just recently that there are 103 distinct herds of desert bighorn on BLM lands, ranging in size from 5 animals to 350 animals.

Now, the task force reported that 31 of these herds are declining, 62 appear to be stable, and that only 4 herds, totaling 500 sheep, are increasing. The situation in six of the herds is unknown.

The task force acknowledged that there is abundant evidence in the scientific literature that feral horses and burros compete with desert bighorns for forage space and water, with detrimental effects on the sheep.

And we think this plight of the desert bighorn has far-reaching implications. Current evidence indicates that the species may be heading toward a threatened or endangered status in some areas under the Federal statute.

It already is on some State threatened and endangered lists. Should desert bighorn populations deteriorate and be listed by the Federal Government, one can visualize the impact on livestock grazing and other uses of the public land.

And we think it is better to prevent that from happening by judicious management of livestock and these feral animals that use wild sheet range.

It is necessary to give BLM and other involved agencies the authority and direction to control and dispose of excess feral horses and burros.

We think S. 457 would accomplish that purpose, and we support it. Thank you.

[The prepared statement of Mr. Williamson follows:]

WILDLIFE MANAGEMENT INSTITUTE

Dedicated to Wildlife Restoration
WIRE BUILDING, WASHINGTON, D. C. 20005

Statement of Lonnie L. Williamson
before the
Senate Committee on Energy and Natural Resources
on
Feral Horses and Burros (S. 457)
April 11, 1983

Mr. Chairman:

I am Lonnie L. Williamson, secretary of the Wildlife Management Institute which is headquartered in Washington, D.C. The Institute, staffed with experienced and professional resource managers, has been devoted to the restoration and improved management of wildlife for 72 years.

We support the objectives of S. 457. For too long, feral horse and burro populations have been either mistreated or mismanaged. And in the longer term, mismanagement is fully as abusive of these creatures as is direct mistreatment. Moreover, mismanagement is having a severe impact on native wildlife.

There are numerous areas in western states where excessive numbers of feral horses and burros have degraded and destroyed habitat for native wildlife. A prime example is the desert bighorn sheep which at best is in a precarious state. A recent Bureau of Land Management task force assessed desert bighorn herds in Arizona, California, Nevada, New Mexico and Utah. The group of nine experts reported that there are 103 distinct herds of desert bighorn on BLM lands, ranging in size from five to 350 animals. The task force reported that 31 of these herds are declining, 62 herds are stable and only four herds (totaling 500 sheep) are increasing. The situation in 6 of the herds is unknown.

The task force acknowledged: "There is abundant evidence in the literature that in numerous cases livestock and feral horses and burros compete with desert bighorn for forage, space, and water with detrimental effects on the sheep."

The plight of the desert bighorn has far-reaching implications. Current evidence indicates that the species may be heading toward a threatened or endangered status under the federal statute. It already is on some state lists. Should desert bighorn populations deteriorate and be listed by the federal government, one can visualize the impact on livestock grazing and other uses of the public land. We believe it is better to prevent the bighorn from becoming endangered by judicious management of livestock and feral animals which use wild sheep range. Thus it is necessary to give BLM and other involved agencies the authority and direction to control and dispose of excess feral horses and burros.

We believe that the adoption program is a reasonable way to move the sound horses and burros from public land to individuals who can use and take care of them. The problem is with the unsound animals that no one wants. It seems most practical to us that the agencies be allowed to sell these animals for slaughter, with the requirement that they not be mistreated beforehand. This would put the animals to good use and help pay for the overall program.

It is our understanding that S. 457 would permit the federal agencies to conduct such a sensible program. Therefore we urge the committee to report the bill favorably.

Thank you for the opportunity to express our views on this subject.

Senator WALLOP. Thank you very much, Mr. Williamson.

Mr. Thiessen.

STATEMENT OF JERRY THIESSEN, CHIEF, BUREAU OF WILDLIFE, IDAHO DEPARTMENT OF FISH AND GAME

Mr. THIESSEN. I am Jerry Thiessen, chief of the Bureau of Wildlife for the Idaho Department of Fish and Game, and I thank you for the opportunity to be here today, and I am so nervous that I sincerely hope that you have good cleanup.

The Idaho Department of Fish and Game wishes to support S. 457 relative to the protection, management, and control of wild free-roaming horses and burros on public lands.

The department continues to advance the concept of an ecologically sound balance among the animal forms, both wild and domesticated, on public ranges.

Wild horses and burros, in many cases, have drastically upset this balance. They have no natural predators, are wide spectrum feeders and are able to increase rapidly in most areas where they are found. If they are not managed, they overpopulate and severely depreciate public rangelands.

Ultimately, this impacts the viability of the horses and the burros, domestic livestock and the wildlife species on those ranges.

This is dramatically displayed in Idaho relative to antelope, as was mentioned earlier.

The lowest doe/fawn ratios in the State are found in association with public rangelands dominated by wild horses.

It is our belief the BLM and the U.S. Forest Service must have a vehicle for timely and proper management of these animals.

And they should be able to do so in an economically prudent manner. The agencies must have the ability to trap, remove, and dispose of surplus animals quickly and humanely.

At times, it is virtually impossible for the BLM to dispose of the animals through the adopt-a-horse program. This fact leads to postponed removal efforts and, when accomplished, the public must assume the financial burden of housing and feeding the horses over a protracted period.

In summary, the maintenance of viable populations of any animal group, wild or domestic, is contingent upon the health of the natural ecosystem supporting them.

We do them all an injustice by letting one component dominate or destroy the range needed by others. We urge the Senate to pass S. 457 and give the public land agencies the means to manage the wild horses and burros properly.

Senator WALLOP. Thank you, Mr. Thiessen.

Senator McClure?

The CHAIRMAN. Thank you very much, Mr. Chairman, and I particularly want to welcome Mr. Thiessen. The Idaho Department of Fish and Game is widely respected in my State.

And the professionals who staff that organization have the respect of many. The BLM relationships in the Challis area have not always been as pleasant as they might have been.

And we should note the relationship between BLM personnel and the State Fish and Wildlife—the Idaho Department of Fish and Game is much better now than it used to be, because of the efforts on both sides.

But I particularly want to call attention to the article which was placed in the record earlier this afternoon by Mrs. Ingram, referring to the publication, "Idaho Wildlife," and Bob Autenrieth's article in that publication.

I think that publication date was the issue of May and June 1982. That work continues with respect to antelope research in Idaho; does it not?

Mr. THIESSEN. Yes, Senator, it does.

The CHAIRMAN. And just to make sure that the record adequately reflects the findings of that research, that the unit where the wild horses are in excess, where the numbers are thought by many to be in excess, the fawning rate of antelope is about one-fourth of that in adjacent units where wild horses are not present in such large numbers.

Isn't that correct?

Mr. THIESSEN. That is true, Senator. The lowest doe-fawn ratio in the State is found in conjunction with that wild horse population.

The CHAIRMAN. And it isn't just a matter of regional difference, because adjacent units with very similar topography and very similar climate conditions have much better favorable ratios; is that not correct?

Mr. THIESSEN. That's true. Antelope populations right next door but not associated with wild horses are doing much better.

The CHAIRMAN. Mr. Hayden, you have heard some of the testimony here today and some of the statements made by people outside of this hearing that says there is really no evidence that wild horse populations are adversely affecting natural habitats.

You take exception to that, or at least you make an opposite statement in your remarks.

Mr. HAYDEN. I certainly have been led to believe that. And as a matter of fact, I would not presume to state something that the chairman doesn't already know, but some of the evidence I have received most directly on that subject came from the State of Wyoming.

And they have also told me specifically that the State of Wyoming's position is that the population of horses and burros should go back to the 1971 level if the situation is to be corrected.

The CHAIRMAN. Mr. Williamson, you state in your prepared remarks, and I quote, "There are numerous areas in Western States where excessive numbers of feral horses and burros have degraded and destroyed habitat for native wildlife."

Is that based upon information provided solely by the BLM and the Forest Service? Or is that independent information?

Mr. WILLIAMSON. It is a wide variety of information. One with direct relationship to the bighorn sheep several years ago, about 1979 I believe it was, the Boone and Crockett Club sponsored a symposium on wild sheep in North America.

And in most—I can say most of the Western States where there are wild burro populations the sheep experts from each of those States stated in that symposium—and it is a published document—that these burro populations were having detrimental effects on desert bighorn sheep, in particular.

There are other evidences in the scientific literature, such as the transactions of the North American Wildlife and Natural Resources Conference, and the Journal of the Wild Life Society where this has been pointed out by various researchers.

The CHAIRMAN. Mr. Resler, you make similar statements in your prepared remarks. Is that, too, based upon independent evaluation? Or does it come only from the Federal Management Agency?

Mr. RESLER. It is a combination of sources, some of which Mr. Williamson has referenced, but primarily from the agencies themselves. And rather experience with some of those agencies' activities.

I am satisfied.

The CHAIRMAN. Well, it goes without saying, gentlemen, that I appreciate your testimony this morning, and I respect the points of view that each of you have expressed here.

I also want to thank your organizations for the benefit of consultations in the past, as we have tried to wrestle with this problem.

And you have provided invaluable assistance to us in a technical sense, as well. Mr. Resler?

Mr. RESLER. May I add one additional point? When the amendments to the Wild Horse and Burro Act first came under consideration I had some rather extensive dialog with the BLM, and directly with Director Burford to clarify the intent of the BLM, as to how they would operate this sales authority.

And I have provided that correspondence to the committee. It is available in your record, or I could provide it additionally, most of which is still pertinent because we are dealing with basically the amendment as it now is presented.

But I was satisfied with that dialog.

The CHAIRMAN. Thank you very much. Yes, sir?

Mr. GOODWIN. Could I add one point on this? Controlling the population by limiting—regarding controlling the population of wild horses by limiting the number of stallions.

Now that—one stallion per 100 mares is going to have quite a job to do to cover that country in Idaho, to get around to 100 mares. But what will take place would be that the yearling would start breeding.

The CHAIRMAN. How about the opposite suggestion? To control population by manipulation of sex ratios by removal of the mares?

Mr. GOODWIN. I don't know how humane that would be to the rest of the stallions. [Laughter.]

The CHAIRMAN. I quit. [Laughter.]

Senator WALLOP. Are you satisfied now? [Laughter.]

The CHAIRMAN. Thank you, Mr. Chairman.

Senator WALLOP. I would just like to make one observation, and that is that I think that a lot of America does not realize that the wild horse is not a native species to the rangelands of this country.

Certainly it is not the little Eohippus or others that ran around here, and it was an introduced—and when I hear you, Mr. Williamson, in your testimony saying that there is clear evidence that feral burro and horse population—"feral" is a better word than "wild"—are endangering a species of native American wildlife as magnificent as the desert bighorn or even the mountain bighorn sheep, I think that it is time that this country really made some value judgments where that takes place.

Again, not calling for the elimination of anything. But I would hate to see us lose a species of animal that is not only native but truly magnificent because we could not in the fits of emotion make up our minds how to manage both at the same time.

We may take a look at this legislation from that perspective to the point where they are, because Mr. Amory's testimony was that these are wild animals, and they are.

But he apparently wants them to remain wild, even after adoption. And that doesn't make much sense, in terms of an adopting clientele.

I would appreciate all of your expertise here. And I would also say one other thing, that in the Wyoming hearing a young fellow named Ron Smith, who is extremely strongly environmentally oriented, Wyoming Wildlife Society and on the Outdoor Council and a number of other things.

He gave us the strongest testimony that we had that we ought not to even bother with this, we ought to eliminate them entirely and go to clean herds of buffalo, if we were interested in reestablishing.

But I just point out, you know, that this is not a struggle between the people who do not like horses and want to eliminate them. It's the struggle to manage the rangelands and the resources of this country in some kind of a balanced way, so that all participating creatures can have reasonable access to it.

Thank you.

The CHAIRMAN. Mr. Chairman, while the next panel is coming forward might I assure that one administrative detail that I overlooked earlier is taken care of? And that is the attachments to Mrs. Ingram's statement be made a part of the record as part of her statement.[1]

And that in connection with that a letter addressed to me from the commissioners of Custer County, Idaho, be included in the record at that point?

Senator WALLOP. By all means.

The CHAIRMAN. Thank you, Mr. Chairman.

[The letter from the Custer County commissioners follows:]

CUSTER COUNTY COMMISSIONERS,
Challis, Idaho, April 8, 1983.

Re Wild Horse and Burro Act—Senate bill No. 457.

Senator JAMES MCCLURE,
Energy and Natural Resource Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLURE: Custer County has a deep interest and concern with the wild horse problem. Our county contains a substantial herd. This herd has had two roundups and still has grown well beyond the recommendation of the B.L.M. Current estimates by the Bureau place the herd at 420 head. This jeopardizes the other recognized multiple uses in this area (wildlife, watershed, grazing, recreation, etc.).

The B.L.M. is certainly discouraged, if not prevented, from maintaining this herd. The exorbitant costs involved and the large backlog of unadoptable horses in the Boise area is currently costing the taxpayers approximately $2,700.00 per month.

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[1] Attachments follow Mrs. Ingram prepared statement.

We, therefore, strongly support Senate Bill No. 457 and stress, the importance of the provision which authorizes the sale of unadoptable animals and that title to these animals be transferred at the time of the sale.

FRANK MARAFFIO,
Chairman.
MEL MEYERS,
Commissioner.
IVAN TAYLOR,
Commissioner.

Senator WALLOP. And the next panel is Mr. Russ Gaspar, American Horse Protection Association; Helen Reilly, International Society for the Protection of Mustangs and Burros, Reno; Mary Knopke, American Humane Association, Washington; Ted Crail, creative services director; and Cheryl Mouras, vice president of programs of the Animal Protection Institute, Sacramento, Calif.

Mr. Gaspar?

STATEMENT OF RUSS GASPAR, AMERICAN HORSE PROTECTION ASSOCIATION

Mr. GASPAR. Thank you, Mr. Chairman. Speaking on behalf of the American Horse Protection Association and also on behalf of three other groups: The Friends of Wildlife from California; the Friends of Animals, located here in Washington; and the Haven Humane Society in Reading, Calif.

There has been a lot of talk today about BLM's management practices concerning wild horses and burros. But one of the things that really has not been said is that this bill really does not do much to alter BLM's existing management authority concerning wild horses and burros, which is already very broad.

Tremendously wide discretion to remove animals from the range when they see fit to do so. And, as a matter of fact, they have exercised that authority with a great deal of vigor, to the point that the numbers of wild horses and burros on the range have been dropping.

They are lower today than they were in fiscal year 1980. And although the data isn't final, I suspect that they are lower this year than they were last year.

So we are not facing a rapidly increasing population of wild horses and burros. We are facing a population that is dropping due to BLM management practices.

The bill really only has to do with, What do you do with the horses after they have been removed from the range?

It has principally to do with the provision to sell them. Now previously we have handled these horses through the adopt-a-horse program.

And that has moved a lot of horses into humane homes. It has had some problems, but generally most people concede that it has worked reasonably well.

And very few horses have ever been destroyed as unadoptable. Fiscal year 1981, only 35 were out of 11,000 removed out of the range. That attests to the enormous success of the adopt-a-horse program in placing horses, and reflects the fact that a great many thousands of people in the United States want to adopt wild horses, and do adopt them.

Now the theory behind S. 457, it seems to me, is sort of twofold. One, it is that the existing population of wild horses and burros is grossly beyond the levels that can be supported on the range; 32,000 too many, according to BLM figures—over 55 percent of the existing population. The second theory behind it is that the adopt-a-horse program can't or won't take care of those animals.

As to the number of excess, I'm sure most of the committee is familiar with the NAS study. And while it isn't complete and isn't unequivocal, it does call into question, very serious question, a lot of the—well, a lot of what has been considered common knowledge about excess numbers of wild horses and burros.

First, it puts their numbers in perspective, as a total component of range use, 60,000 wild horses and burros, as opposed to 6.5 million livestock, as opposed to a 1.5 million large game animals on the public lands, the BLM public lands.

It shows that the population increase that has been perceived and talked about for 10 years is really not nearly as large an increase as it seems to be, for several reasons.

One, because the claimed rates of increase are not as large as BLM frequently has claimed. And the second is because the base population in which today's population has grown was probably much larger than the 17,000 we normally talk about.

It probably was on the order of 30,000 or 35,000. The NAS study also points out from studies that it did in Wyoming that the perceived competition between wildlife and wild horses is not nearly as large as commonly believed.

It may exist in isolated areas, but generally the differences in diet and the differences in habitat between wild horses and burros and most major wildlife species is very great.

And they don't compete very much. In fact, their diets are potentially complementary. And it also points out that the whole problem of wild horses and livestock competition is a good deal more complex than usually believed.

And we are not dealing with a situation simply of having one horse on the public lands and one cow off, or a simple trade-off like that.

But what we hear time and time again is that there are far too many wild horses that are eating themselves out of house and home and destroying rangeland habitat.

I would like to give you two examples of maybe a different perspective. Two examples from eastern Oregon that we have heard a little bit about.

In the Riley Planning Unit in eastern Oregon, BLM proposes to cut wild horse populations by 63 percent, at the same time that they increase livestock allocations by 27 percent.

In the final analysis livestock will get 73,500 AUM's. Wild horses will get 2,300. That is not a case of wild horse overgrazing and destroying the rangelands.

And, similarly, in Lakeview over the past couple of years they have cut over 50 percent of the existing wild horse population.

They have preserved enough forage for about 285 horses, but cattle get 159,000 AUM's; 159,000. The point of all of this, and I will sum up very rapidly, is that the theory behind this bill that there are far too many wild horses and burros causing excessive damage simply isn't true.

The new information from the National Academy of Sciences questions most of it in a very grave sense, and the stories we hear about wild horses crowding out wildlife and livestock generally are not the rule on the public lands.

There is really no need for this bill. The past bill has worked very well.

[The prepared statement of Mr. Gaspar follows:]

STATEMENT OF THE
AMERICAN HORSE PROTECTION ASSOCIATION, INC.
CONCERNING S.457, A BILL TO AMEND THE
WILD, FREE-ROAMING HORSES AND BURROS ACT
before the
SENATE COMMITTEE on ENERGY AND NATURAL RESOURCES
Subcommittee on the Public Lands and Reserved Water

Washington, D.C.
April 11, 1983

The American Horse Protection Association, Inc. appreciates this opportunity to offer its views on S.457, a bill to amend the Wild, Free-Roaming Horses and Burros Act. AHPA believes that S.457 is an attempt to solve non-existent problems, and ultimately will destroy the Wild Horse Act. Accordingly, AHPA urges that the Committee not act favorably on S.457.

The theory behind S.457 is that the current population of wild horses and burros is so large that it threatens the health of the public rangelands and is destroying wildlife habitat. The Interior Department stated in January 1982 that nearly 32,000 animals (over 55 percent of the inventoried population of 56,000) must be removed from the public lands. The Department further contends that the Adopt-a-Horse program cannot absorb that many animals, and that an alternate method of "disposal" is necessary -- ideally, one that will generate revenue to offset the cost of the removals.

Therefore, the principal amendment incorporated in S.457 is the provision authorizing the Secretaries of Agriculture and the Interior to sell "excess" wild horses and burros for which there is no adoption demand. This provision has been publicized as an innocuous, essentially technical amendment that is intended to give the Secretaries another "management tool," so that they will have more "flexibility" in dealing with the problem of "excess" wild horses. Frequently, it is justified by describing it as a reasonable alternative to the destruction of "excess" unadopted horses, and as a means to raise revenue for programs to protect the horses and burros remaining on the range.

This rationale is appealing, but is not valid. It assumes that under normal circumstances there will be large numbers of unadoptable wild horses and burros that would be destroyed under current law, but that could be sold if the Act were amended. The data from BLM's Adopt-a-Horse program, however, disproves this assumption. In Fiscal Year 1981 about 11,350 wild horses and burros were removed from the public lands. About 750 were destroyed as old, sick or lame, or died during roundups; 10,150 wild horses and burros were adopted by year-end. Only 35 were destroyed as unadoptable.

This data attests to the considerable success of the Adopt-a-Horse program. It generally has worked well to place over 42,000 "excess" wild horses and burros in humane homes. Although the program has experienced problems, including fraud, mistreatment of animals and illegal sales by some individuals who have adopted wild horses and burros, it cannot by any stretch of the imagination be called a failure.

It was threatened with failure, however, by the Administration's decision last year to raise adoption fees to $200 per horse and $75 per burro, plus the costs of transportation to the adoption site. As a result, in 1982 it cost about $220-230 to adopted a horse in most Western states and $275-290 in the Eastern states. In many areas, this was more than a prospective adopter would have to pay for a halter-broken domestic horse. As a result, adoptions plummeted.

This was not an unexpected situation. BLM estimated, when it proposed raising the adoption fees, that only 5,000 of the 11,000 wild horses and burros it expected to remove during FY 1982 would be adopted. BLM's experience with the new fees suggested that its estimate was accurate. During the first three months of FY 1982 (October - December 1981), before the fees were raised, nearly 3,000 wild horses and burros were adopted. During the next nine months, after the fee increase went into effect, only 4,050 were adopted -- a decline of almost 50 percent from a similar period in FY 1981.

The meaning of this is clear: By its own actions BLM created the need for S.457. The higher adoption fees held the potential to create a pool of thousands of wild horses and burros each year that would not be adopted, and which under current law must be destroyed.

Fortunately, that condition no longer exists. AHPA brought suit last year contending that the fee increase was illegal. As a result, BLM agreed to institute informal rulemaking procedures concerning the adoption fees. The $200 fee was announced in a proposed rule in late July. Public comment, however, was overwhelmingly negative, generally favoring a fee of about $100-125. On March 4, 1983 BLM published a final rule lowering the fee for horses to $125 plus transportation to the adoption site.

The preliminary response to the lower fee seems to be very good. AHPA has asked several of the contract adoption centers whether adoption demand has risen, and in most cases has been told that interest in the program has been much greater during the past month. Inquiries are up, as are the number of horses being adopted. However, several centers told AHPA that publicity for the program simply was nonexistent: BLM did very little to advertise, leaving the operators of the adoption centers, who have no advertising budgets, to do it on their own.

It is too early to tell exactly what impact the lower fee will have on adoptions, but AHPA is confident that they will rise substantially. However, in judging the impact of the lower fees, two factors must be kept in mind. First, the 14-month period of excessively high fees did enough damage to the program that an aggressive publicity campaign will be necessary to rekindle public awareness and interest. Second, the beneficial effect of the lower fee may be offset to some degree by the new requirement that a potential adopter deposit $25.00 toward the cost of his animal at the time he files his adoption application.

This requirement was proposed in an effort to reduce the administrative costs associated with frivolous adoption applications. The theory behind it was that only adopters serious about taking horses or burros would file an application if it had to be accompanied by the fee. AHPA accepts the theory, but opposed a fee as high as $25.00. Most of the other organizations familiar with the adoption program also oppose the fee.

The aim of deterring frivolous applications can be attained by a nominal fee -- perhaps $5.00 or $10.00. Twenty-five dollars is a lot of money for any potential adopter, especially because the responsiveness of the Bureau's system of notifying adopters when horses are available is not very good. AHPA knows of many instances in which potential adopters have filed applications and waited months -- even a year or more -- to hear from the Bureau. Some of our members have never gotten a notification that horses are available.

Given these circumstances, a $25.00 deposit probably will deter an appreciable number of genuinely interested persons from filing adoption applications. More to the point, it may already have reduced the existing list of potential adopters artificially and unreasonably.

In January of this year BLM records showed nearly 8,500 persons were on file requesting to adopt nearly 20,000 animals. These were people who had filed applications knowing that the fee for wild horses was in excess of $200.00. Arguably, they had the means to adopt and a sincere interest in the program if they were willing to pay the higher fees. While it is obvious that some would chose not to adopt if given the opportunity to do so, it is equally obvious that, having been on a waiting list for some months, others would not want to pay BLM $25.00 for the dubious privilege of waiting an even longer period of time to be notified that horses or burros are available.

AHPA does not know to what extent those 8,500 potential adopters have been deterred by the $25.00 deposit requirement. But AHPA does believe that it is a hindrance to an effective adoption program, and should be reduced substantially. There are thousands of people who want to adopt tens of thousands of horses and burros. Their interest should not be killed off by either an excessive adoption fee or an excessive deposit requirement.

The point to be made is that the adoption program is a successful, viable method of placing horses and burros removed from the public lands. Misguided BLM policies nearly killed it, and the recent deposit requirement is a further impediment to its continued success. Because BLM claims that the adoption program is inadequate the Committee should made every effort the understand why the program has had problems. They are problems of BLM's own making, not problems inherent in the Wild Horse Act that require corrective amendment.

Furthermore, the costs of the adoption program can be brought down. They fell from $476.00 per animal in FY 1980 to $400.00 per animal in FY 1981. The FY 1982 costs were abnormally high, principally because BLM was forced to hold animals removed from the range for much longer than normal periods due to the steep decline in adoption demand. The costs should drop during the second half half of FY 1983 as adoption demand picks up.

More important, the experience of adoption programs run in the private sector for lands not covered by the Wild Horse Act demonstrates that BLM's program is very inefficient. The National Organization for Wild American Horses, which has operated a program to adopt horses and burros from the China Lake Naval Weapons Center for the past year, reports average adoption costs of $97.00 per animal -- about one-fourth of BLM's costs. While the two programs may not be exactly comparable, the much lower NOWAH costs suggest that considerable savings can be achieved by BLM without sacrificing essential program activities.

One area that merits serious inquiry are the manpower costs charged to the program. AHPA's conversations with people familiar with the program lead the Association to believe that the amount of manpower devoted to activities like satellite adoptions is far in excess of what is actually needed. Furthermore, improving the efficiency of the process by which adopters are matched with available animals is an important goal; about two-thirds of current adoption costs are for caring for the animals until they are adopted, and reducing the time between roundup and adoption will cut costs substantially.

The second -- and perhaps more important -- assumption underlying S.457 is that a huge number of wild horses and burros must be removed from the public lands. AHPA has long argued that the Interior Department's assumptions about the need to remove animals are incorrect. The final report of the National Academy of Sciences' Committee on Wild Horses and Burros in large measure supports AHPA's views. First, it demonstrates that the problems of overgrazing on the public rangelands are far more complex than they are usually described by the Interior Department; poor range conditions cannot simply be blamed on an increase in the population of wild horses and burros. Second, it demonstrates that grazing by wild horses and burros is rarely harmful to wildlife, and in fact may encourage conditions favorable to animals like mule deer and antelope.

By way of preface, the NAS study does an excellent job of putting the wild horse "problem" in perspective. Livestock on the public lands outnumber wild horses and burros by about 110 to one in sheer numbers, and 23 to one in forage consumed. Over 1.5 million big game animals are on BLM lands alone; that number certainly represents only a fraction of the total big game population in the West. In this light, the "problem" created by wild horse and burro forage consumption is of a very small magnitude in relation to total demand for public rangeland resources.

The NAS study also puts into perspective the so-called "population explosion" of wild horses and burros. Although the current wild horse and burro population probably is somewhat higher than actually reported, the 17,000 animal figure commonly used as the 1971 "base" population was almost certainly a gross underestimate -- perhaps by as much as 50 percent. It is widely recognized that censusing techniques have improved since 1971; at best, the baseline figures are little more than educated guesses rather than reliable indications of the horse and burro population in the early years of the Act. The Administration's proposals in all likelihood would reduce today's population to a level far below that in existence when the law was passed. BLM is, in effect, proposing to reduce the wild horse and burro population below the level that it reached as a result of mustanging -- in short, the level that commercial interests found most convenient. The Act did not intend that result.

The Interior Department often has contended that the current horse and burro population has exceeded its "biological limits" on the range, implying that there are fixed and immutable biological forces at work that set a ceiling on the number of horses and burros that may exist. The NAS report indicates clearly that this is wrong. The problem of overgrazed rangelands cannot easily be blamed on one animal, nor does the range environment contain rigid compartments for each animal species.

Instead, as the NAS report makes clear, differences in dietary preference and habitat ranges among species mean that different animals are not interchangeable. The removal of a large number of wild horses does not guarantee that grazing conditions will improve. For example, horses have diets similar to cattle, but are far more mobile and less tied to water. Therefore, overgrazing at water sources does not necessarily mean that the horse population is excess; it may well mean that the pattern of use by livestock needs to be changed, or their numbers reduced.

Wild horse diets do not correspond closely with wildlife diets, and in general the relationship between wild horses and most game species is potentially complementary, not one of competition. Actual competition might exist on seriously degraded ranges, but the existence of such ranges on a large-scale basis is rather speculative at this point. The notion that wild horses are destroying wildlife habitat and threatening populations of "native" game species simply is not true.

Admittedly, the NAS report is neither complete nor conclusive. As the Committee is aware, most of the NAS-recommended projects were never funded. However, the projects that were completed (along with previously existing knowledge) demonstrate that range management cannot simply be a process of dividing up the available number of AUMs among livestock, wildlife and wild horses, then labeling that portion of the wild horse herd for which there is no allocation "excess." In fact, BLM's current management policy at times does not do even this -- in many areas, no permanent allocations for wild horses are made at all.

AHPA concedes that specific areas of the public lands may require reductions in horse or burro numbers as part of a plan to relieve overgrazing. But the Interior Department has not -- and cannot -- make a case for the proposition that overgrazing by horses and burros is so widespread, and Interior's knowledge so perfect, as to require a nationwide reduction of 55 percent of existing wild horse and burro numbers. As the NAS report suggests, the existence of these nationwide goals is inconsistent with a land-use planning program attuned to local conditions.

Thus, S.457 is not a solution to a problem of biological limits, but a mechanism to facilitate a political decision: a wholesale reduction of wild horses and burros for the benefit of livestock interests. During the past year to 18 months AHPA has reviewed a variety of grazing environmental impact statements and management plans. In those in which overgrazing by "excess" wild horse numbers is the reason for large-scale wild horse removals, livestock allocations are almost always maintained at or near current levels or are expanded.

In one case (the Riley, Oregon, EIS area) a removal of 63 percent of the wild horse population is planned in order to help increase livestock grazing allocations by 27 percent. The initial forage allocations in Riley will be 73,494 AUMs to livestock (93 percent), 2,364 AUMs to wild horses (3 percent) and 2,340 AUMs to wildlife (3 percent). Long-term improvements in range condition are expected to provide another 21,000 AUMs -- all of which will be allocated to livestock.

In the Lakeview, Oregon EIS area, large-scale wild horse roundups in the past two years have made possible a management scheme in which forage is reserved for about 285 horses (3,420 AUMs), but livestock have been allocated over 159,000 AUMs.

Recently, AHPA was informed that during the next 3 years BLM plans to reduce the wild horse population in Wyoming by about 65 percent, from about 9,650 to an average of 3,350. Although AHPA does not know the reasons for all of these removals, it is familiar with the Adobe Town removal in the Rawlins District. There, a removal of 500 of the 900 wild horses is planned, apparently to permit livestock operators to activate grazing preferences that they are not currently using.

Significantly, the range in each of these areas is in fair to good condition. Thus, the large-scale wild horse removals have not been planned to relieve the stresses of too many animals, but to facilitate continued high or expanded levels of livestock usage. These kinds of removals are, in AHPA's experience, rather common. Yet all Congress and the public hear from BLM is that wild horses and burros are destroying the public rangelands due to overpopulation. In answer to this claim, the NAS Final Report stated, after referring to several anecdotal examples provided by BLM:

> We do not cite these examples to imply in any way that these kinds of severe impact are widespread or common in the wild horse and burro ranges of western United States. In fact, we have seen very few areas with heavy vegetation impacts, although we have asked the BLM to show them to us.

Thus, the underlying rationale for S.457 has been proven false. A case cannot be made that there are 32,000 too many horses on the public rangelands. There is simply no need to remove so many horses so quickly -- and as a result, no need for a "more flexible" management tool in the form of sale authority.

The Committee should not misunderstand the consequences of enacting this provision of S.457. The unpleasant fact is that if S.457 is enacted, the unadopted wild horses and burros will be sold for slaughter or to rodeos as bucking stock. BLM and the proponents of the bill prefer not to address that fact squarely, but it is inescapable. A large pool of unadopted wild horses, for sale at slaughterhouse prices, is a bonanza for commercial buyers. The trip from the BLM corral to the packing plant will be the fate of most of the "unadoptable" animals.

This fate cannot be candy-coated by assuring, as Section 3(b)(2)(C) of the bill does, that the animals will be "subject to all State and local humane and sanitation laws, and all Federal humane laws" other than the Wild Horse Act. There are no federal humane laws that deal effectively with horse-related problems -- particularly the problem of humane transportation of equines to slaughter. Extraordinarily cruel practices are common to such transportation, and it is a problem that State and local authorities in most parts of the country cannot police. In many cases, their laws and ordinances don't address the problems of cruelty to horses or other livestock during transportation. More frequently, the limited numbers of enforcement personnel are not trained to investigate and correct abuses to large animals such as horses. In reality, there is virtually no protection afforded to horses under existing humane laws.

In the final analysis, AHPA cannot support a proposal that potentially will result in the slaughter of thousands of wild horses and burros each year. The Wild Horse Act was passed to eliminate that brutal practice. Enacting S.457 will return this Nation to the bad old days of mustanging, but with the Federal Government performing the odious task of removing and marketing the animals.

AHPA believes that if the Adopt-a-Horse program is run professionally and efficiently, and if a reasoned approach toward wild horse management is adopted by BLM, there will be relatively few unadopted wild horses. To the extent that these animals are not adopted because they are old but otherwise healthy, they should be returned to the range. They would probably be at the end of their reproductive lives, as well as near the end of their natural lives. If the animals are ill, injured or crippled, it is far more humane to destroy them than to subject them to the horrors of transportation to slaughter. Selling this relatively small number of animals cannot be justified in humane terms or even in financial terms.

In this regard, the prospect of additional revenues for the wild horse program cannot legitimately justify the sale provision. Selling wild horses and burros has been touted as a way to generate revenues for range and habitat improvements, research, and other programs to benefit the animals. In fact, even if selling "unadoptable" animals could increase BLM's revenues, they would not totally offset the Bureau's removal costs. There would be no surplus revenues to devote to other programs; it would simply cost BLM less to run its wild horse program. Given the Administration's commitment to cut discretionary domestic spending even further than it has already, any increases in revenues will surely be matched by cuts in appropriations. Describing the sale authority as a way to help the animals remaining on the range is therefore a cruel hoax.

Although sale authority is the provision of the bill most objectionable to AHPA, other sections merit comment.

First, AHPA is concerned by the bill's reference to sustaining a "healthy wild free-roaming horse and burro population base." This clause is proposed as an addition to the recitation of Congressional findings, ostensibly to guarantee the future existence of wild horses and burros. But their existence is already guaranteed by the Congressional command that the animals be considered as an "integral part of the natural system of the public lands," and that they be protected and managed as "components of the public lands."

The phrase "healthy ... population base" is one with enormous potential for mischief. Based on AHPA's review over the past five years of wild horse management plans and grazing environmental statements in which similar language is used, the Association is convinced that the phrase is used by BLM to mean the smallest population capable of sustaining and reproducing itself. In other words, a herd size just large enough to avoid extinction. Conceivably, the phrase can be used to justify the total elimination of horses in some areas where they are presently found as long as a "population base" exists in other areas that will prevent the species from disappearing altogether.

This is not what the Act intended, nor what BLM has in the past interpreted its obligations to be. The phrase opens the door for BLM to manage the animals at the smallest possible population level rather than as a legitimate component of the public lands entitled to equal treatment in the multiple-use system.

Second, there are several proposed amendments that seem to improve the Act's protections, but which in reality do little. For example, by amendment to Section 3(b)(2)(B), the Secretaries are required to "establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain and maintain a viable adoption program." This has been accomplished to a large extent by the activities of AHPA and other humane groups that resulted in the new adoption fee regulations. It adds nothing new.

Similarly, the bill adds Section 3(b)(2)(D), which directs that revenue from adoptions and sales are to be returned to the wild horse program activities. Revenues currently received are, to AHPA's understanding, already used in that manner. But the proposed language carries with it the implication that only those revenues may be used to fund the enumerated wild horse activities.

That clearly is contrary to any reasoned reading of the balance of the Act.

By contrast, the proposed amendment to Section 3(c) is positively harmful. The new language would eliminate the Secretaries' obligation to determine that adopted animals have been treated humanely prior to granting title to them, and would permit them to grant title as long as "there is no evidence of inhumane care or treatment." In other words, title may be granted automatically as long as no one -- especially not the BLM -- has caught an adopter mistreating or selling his animals.

This section is particularly inappropriate in light of the discovery late last year that over 150 adopted wild horses in Pittsburg, Texas, had been neglected to the point that 35 starved to death, while the rest suffered from advanced malnutrition. The new language would simply condone such situations through the "see no evil" approach toward enforcement it authorizes. It totally negates the proposal to stiffen the Act's penalties section. In a perverse sense, however, it might eliminate incidents like that in Pittsburg -- adopters could simply sell their animals to slaughter immediately, with little or no fear that BLM would ever discover they were missing.

Finally, the bill revitalizes Section 7 of the Wild Horse Act, which authorizes the appointment of an advisory board on wild horse matters. The advisory boards previously appointed were the source of very little independent advice -- they usually did nothing more than rubber-stamp BLM policies. Given the

Administration's propensity to appoint advisory board members whose philosophies are compatible with its policies, a new wild horse advisory board will be a sham, and a waste of scarce program funds. A new board won't advise; it would only consent.

S.457 is a bad bill. It is a bill based on misinformation and bad policy; portions of it are misleading. It is opposed by all those who have the welfare of America's wild horses and burros at heart. It should not be enacted.

Senator WALLOP. Thank you, Mr. Gaspar.

Ms. Reilly?

STATEMENT OF HELEN A. REILLY, PRESIDENT, INTERNATIONAL SOCIETY FOR THE PROTECTION OF MUSTANGS AND BURROS, RENO, NEV.

Ms. REILLY. Thank you for giving me this opportunity to present this statement in addition to our written testimony that has been sent to you.

My name is Helen Reilly, president of the International Society for the Protection of Mustangs and Burros, Reno, Nev.

We have been involved in the struggle to obtain protection, management and control measures in behalf of wild horses and burros for over 27 years.

ISPMB spearheaded the successful drive for legislation and passage of the Wild Free-Roaming Horse and Burro Act of 1971, which should have been a happy ending. It wasn't.

Mismanagement of the program by the Bureau of Land Management has created the problems we are facing today.

We are gravely concerned, because we do not have any management plans now that guarantee a safe future for the wild horses and burros, a plan which would perpetuate viable herds in a manner compatible with wildlife, livestock, resources.

The wild horses and burro herds must be controlled to protect the rangelands for themselves, as well as wildlife, domestic livestock.

But to sell them for slaughter? No. Since it is obvious amending the 1971 law to allow public auction of excess wild horses and burros would send most of the animals to slaughter would reopen the present protection for these animals to the kind of abuses of the past, when slaughtering of these mustangs created a shameful episode in western history, that the 1971 law was designed to halt.

We are totally against the sale of animals on the open, the public and commercial markets for any reason at any time.

We are in no way opposed to effective management of our public lands, nor to the effective management of the wild horse and burro population.

Both are essential and desirable. What we do object to is using the wild horse and burro as a scapegoat for the deterioration of our public lands and then managing them out of existence.

BLM's present estimate of 44,930 wild horses, with an estimate removal needed of 23,715 horses. Yet we have 5.3 million livestock on the same lands, and the livestock owners and the Bureau of Land Management feel the figure is too low.

Studies show that grazing is turning public lands in the west into a desert. The horses and burros, once again, are the scapegoats for the problem of the rangelands, which the BLM says it does not have sufficient data about the effects of livestock grazing on public lands.

I feel that not enough emphasis has been placed on the fact that the domestic livestock operations are being carried out on land that does not belong to them.

Only by permit are they using it, and the extent of the use should in some way be more carefully regulated in the public interest.

Grazing fees are ridiculously low. Abuses have been allowed to continue. Particularly, numbers of livestock far in excess of that for which a permit has been issued.

Also allowed to continue is the myth that because a permit to use the public land has been in the family for generations the land belongs to that family.

It is time to shake that traditional dominant interest use that has led to the misconceptions and establish the true status, namely: that the land does, after the long haul, belong to the public.

And these dominant users are merely the tenants. The livestock owners and special interest groups are serving no one's interests in supporting S. 457, except their own.

The conflict of interest implications are obvious. We find it suspicious that the final report released by the National Academy of Sciences' Committee on Wild Free-Roaming Horses and Burros, chaired by Frederick Wagner, well in advance of the deadline and forwarded to the Secretary of Interior Watt for subsequent release to the U.S. Congress was not done until close to the filing date of the proposed S.457.

We strongly suspect the delayed release of the NAS report bore out what protection proponents have claimed for years: the wild horse and burro are not and have not competed to the excessive extent claimed by livestock operators.

There was little scientific evidence to support these claims, other than testimony based on ranchers' observations.

Cattle cause more localized vegetational damage due to trampling than do horses, and cattle tend to concentrate around available water resource, while horses are more dispersed.

Another provision in S. 457 would require that the Secretary establish by regulations adoption fees. These fees must be at the level that will discourage adoption for commercial use.

Yet S. 457 would allow the sale of any number of horses and burros at auction for commercial gain. S. 457 will only hasten the destruction of the adoption program.

It is difficult for someone interested in wild horses and burros to be critical of any sponsor of a bill believed to be of help to the program, but because of my interests I must set forth my comment.

It is my opinion that S. 457 as it is now written is dangerous, and spells disaster for wild horses and burros.

To allow the auction sale would allow the Government to auction the animals to anyone, without restriction, which could include meatpackers, pet food, and soap manufacturers.

Financial gain encourages excessive harvesting, particularly in view of the rising price per pound of the hoof for the sale of horsemeat.

Outlawing sales——

Senator WALLOP. Could you summarize, Ms. Reilly, please? Could you please summarize? The time has——

Ms. REILLY. I'm sorry; I just had one more to go.

Senator WALLOP. Go ahead.

Ms. REILLY. OK. Harvesting particularly in view of the rising price per pound of the hoof for sale of horsemeat.

Outlawing sale of wild horses and burros was a safeguard written into the 1971 legislation to eliminate overreduction, which S. 457 will supersede.

We must not open the door again. Thank you.

[The prepared statement of Ms. Reilly follows:]

WRITTEN TESTIMONY OF THE
INTERNATIONAL SOCIETY FOR THE PROTECTION OF MUSTANGS AND BURROS
REGARDING S. 457
TO
PUBLIC LANDS AND RESERVED WATER
SUBCOMMITTEE OF THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Washington, D. C. Hearings
April 11, 1983

There has been some diversion from the mandates of the 1971 Act; the Federal Land Policy and Management Act of 1976 permits the use of helicopters in gathering of wild horses and burros, which is more efficient and less stressful to the animals. The Public Rangelands Improvement Act of 1979 allows the government to give title (after one year) to horses and burros adopted by individuals. That helped place more animals.

More than 42,000 wild horses and burros have been adopted. True, the adoption program has had its percentage of failures, but no one talks about all the successes. We happen to be in a position to know. It is the mistakes that are blown up and exaggerated. The program virtually came to a stand still when the $200 adoption fee became effective, January 1982. Over 1200 wild horses and burros remained unadopted at BLM's adoption centers because of the high cost of adoption, and costs of maintaining these animals increased, giving the BLM an excuse to "push" for an amendment to allow the sale of excess wild horses and burros. The adoption program worked and still can work, with reasonable fees. The adoption program is vital to the effort to bring some control to the wild horse and burro population. In truth, our efforts must be increased in that direction.

Enactment of legislation as proposed in S. 457 would negate the 1971 Law. Emasculating the law as proposed, by opening the door to commercial slaughter by sale, without restrictions, will only lead to a repetition of that abhorrent era that resulted in removal thousands upon thousands of wild horses from our public lands, this time with the blessing of Congress.

We oppose S. 457 to allow sale of excess wild horses and burros as a deterrent to over-zealous control measure if permitted, would be a potential for complete elimination. Regardless of the reasons of special interest groups, there can be no justification for the cruelty and ruthlessness which characterize the sale of wild horses and burros nor any excuse for the lethargic people who are in support of this Bill.

The McClure Bill allows too many loopholes for abuses than those opposing the interests of the wild horses and burros, and if passed, would enfold those abuses in the protective cloak of legality.

There is nothing in S. 457 that would preclude livestock operators from hazing or driving wild horses and burros into a small area and then petitioning the Secretary for their removal because of overcrowding while Section 10 seems to prohibit the Secretary from returning the same animals back to their original range.

It is our considered judgement that the wild horse problem is largely a myth that exists only in the minds of certain livestock interest and the proposed Bill would immediately remove all protection currently provided the wild horses and burros and subject them to the whims of the Secretary and to the political influence of the livestock interest.

The fate of most of the animals from the BLM corrals to the auction yard cannot be assuring as Section 3 (C) (6) of the bill does, that the animals will be "subject to all State and local humane laws, and all Federal Humane Laws" other than this Act. There are no Federal humane laws that deal effectively with horse related problems, particularly the problem of humane transportation of equines to slaughter. In reality, there is relatively little protection afforded to horses and burros under existing humane laws.

It is incrediable that one should have to furnish any argument to uphold the 1971 law to save the wild horse and burro from the fate which is surely in store for them, through cold-blooded unconcern, but if there must be an argument, let it be this: That of all living things that have played their part in the development of this country, except man, the horse and burro have played the most prominent and beneficial role.

Lets take a look at these wild horses that are supposedly such a menace and see if they are 100% useless. It is a habit for horse bunches to paw and roll in water holes thus making a sealed bottom that will hold water longer and later into the dry summer months. Horses uncover feed for other animals when snow gets deep by restless moving and pawing of feed that is covered with snow. They provide a valuable service in reseeding the range which in the long run is of great benefit both to the taxpayers and the cattlemen themselves because the cost of hand reseeding is diminished. So possibly nature provided the horse for a purpose after all.

It is my opinion that it is far from sentimental foolishness that we take strides to do something about the black pages that have been and are being written in our history about the inconsiderate handling of the wild horse, mustang, broomtail, fuzzies, or what ever pet name you have for this animal that is so picturesque of our free "live and let live" Western States. They are the symbol of wild freedom to us all. Surely they have earned their right to survival.

Not only does the introduction of the McClure's bill do a disservice to the intent of the multiple-use concept of the public land, but it perpetuates a mookery of the intent of the American public as well as the 86th and 92nd Congress. If any changes are made in the 1971 Act, it should

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be planned to strenghten the law as it was originally intended, rather than weaken the existing federal law. There is extraordinary public consensus they DO NOT want the 1971 Act weakened!

In conclusion, ISPMB vehemently opposes S. 457, and we urge that it be defeated!

We thank you for the opportunity to express our views.

Respectfully submitted,

Helen A. Reilly

Helen A. Reilly (Mrs. John W.)
President
International Society for the Protection
of Mustangs and Burros

Senator WALLOP. Thank you, Ms. Reilly.
Ms. Knopke?

STATEMENT OF MARY G. KNOPKE, DIRECTOR, WASHINGTON OFFICE, AMERICAN HUMANE ASSOCIATION

Ms. KNOPKE. Thank you. Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify today on Senate bill 457.

Senator WALLOP. Even a little closer, if you don't mind; they are so directional, they are very difficult.

Ms. KNOPKE. Today, I also speak on behalf of another Colorado—I am Mary Knopke, Washington director of the American Humane Association which is headquartered in Denver, Colo.

Today I also speak on behalf of another Colorado-based group, the National Organization for Wild American Horses. Both AHA and NOWAH have had a direct hands-on role in the adoption of thousands of burros and hundreds of wild horses from China Lake.

NOWAH will also begin a major direct effort to remove and adopt hundreds of wild burros from Death Valley this June.

AHA and NOWAH are strongly opposed to S. 457. We dispute claims that conditions on federally owned western rangelands warrant amending the 1971 act, and disagree with the changes to the Act as contained in S. 457.

However, others here today have and will detail these disagreements. My testimony today centers on the Bureau of Land Management's adopt-a-horse or adopt-a-burro program.

It is our firm belief that if certain administrative and programmatic changes were made to the program clear congressional intent in the 1971 law would be satisfied.

Specifically, wild horses and burros would be protected from slaughter, and the BLM would have an efficient mechanism for managing and controlling the animal populations.

If the adopt-a-horse or burro program was to function as it was originally intended, there would be no need to amend the 1971 act.

Indeed, there would be no need to even discuss granting to the BLM legislative authority to sell, quote, unquote, "excess," or quote, unquote, "unadoptable" wild horses and burros to slaughter, which is the very heart and soul of S. 457.

We offer the following recommendations to improve the current adopt-a-horse or burro program. No. 1, increased volunteerism.

With the current administration's emphasis on promoting the spirit of volunteerism, the BLM should lead the way in bolstering the adopt-a-horse or burro program through volunteer efforts available from recognized nongovernmental organizations.

AHA and NOWAH stand ready to play an expanded role as do other organizations, such as the Fund for Animals and the Humane Society of the United States.

One area where volunteer efforts would supplement and complement the BLM concerns animals left over for adoption after the required holding period.

Regulations stipulate a 45-day holding period for horses and burros rounded up and processed for adoption, during which time the BLM retains sole administrative and fiscal responsibility for the animals.

By simply notifying the participating humane groups of the expected numbers of unadopted animals before the expiration of the 45-day period, the BLM could enlist the groups in efforts to use their own networks of adoption applicants.

The results would significantly reduce the number of unadoptable animals, reduce the number of animals later destroyed and, thus, reduce the program's cost to the BLM.

Another area where the program would benefit from volunteer efforts is in verifying adoption applicants considered by the BLM to be questionable.

No. 2, improve techniques for selecting adoptable animals. Results from a recent ad hoc poll of adoption centers conducted by AHA found that certain specific types of animals tend to remain beyond the 45-day holding period, the so-called unadoptables.

Not surprisingly, these are usually old stallions, mares past breeding age, stunted animals and in-breds. AHA and NOWAH recommend that when the animals are first corraled at the roundup site, that BLM transfer on to the adoption centers those animals known to be the most desirable.

For example, young breeding mares and stallions. Those animals known to be the most difficult to place should simply be around to return to the range for eventual natural extinction, with male horses in this category being humanely gelded before being turned back.

In this way the cost of keeping unadoptables would be minimized, rational humane herd management would be accomplished, and the adoption program would be in a better position to assure success in its placements.

No. 3, improve public information efforts. Efforts aimed at informing the public of the availability of wild horses and burros are critical to the success of the adoption program.

Among the most frequently expressed concerns from adoption center personnel, however, are that most people do not know of the adoption program or existence of their centers.

And that the BLM publicity budget is so low as to prevent the public from learning about them. AHA and NOWAH recommend that in order for the BLM to implement its stated goal of not destroying healthy animals that it begin immediately to bolster its so far anemic publicity efforts with a well-conceived systematic publicity program.

No. 4, improve computer capabilities. The efficiency of the adoption program could be significantly increased and the costs significantly reduced through improvements in the current BLM computer system, linking all adoption centers.

The present costly system with limited positive return is a serious drain on the program's administrative budget.

No. 5, setting reasonable adoption fees. AHA an NOWAH are very concerned that if the BLM again raises adoption fees, as it did from January 1982 to March 1983, that this will again increase the number of unadopted animals.

The special danger here is that S. 457 would allow wild horses and burros to then be sold at public auction. Such public auctions lead in effect straight to the commercial slaughterhouse, just the opposite result from the current law's intent.

One of the most important purposes of the 1971 act was to prevent the commercial slaughtering of these animals.

BLM had argued that the increased fees were necessary to cover handling and processing costs which it reported to be $279 per animal in 1980, and $299 per animal in 1981.

Please note, members of the subcommittee, that in 1982 under contract to the BLM NOWAH carried out the entire handling and processing procedures for adopting wild horses and burros for $94.45 per animal.

In conclusion, rather than amend currently sound legislation as S. 457 would do, we recommend that the BLM adopt a number of methods, including those proposed in this testimony, to increase efficiency and reduce costs of the adopt-a-horse or burro program.

Thank you.

[The prepared statement of Ms. Knopke follows:]

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AMERICAN HUMANE

TESTIMONY REGARDING S. 457

Before the
Senate Subcommittee
on Public Lands and Reserved Water
April 11, 1983

Presented by
Mary G. Knopke
Director
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On behalf of
American Humane Association
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and

National Organization for Wild American Horses
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify today on S. 457, a bill to amend the Wild Free-Roaming Horse and Burro Act of 1971.

I am Mary Knopke, Washington Director of the American Humane Association (AHA) which is headquartered in Denver, Colorado. Founded in 1877, the American Humane Association is the oldest national humane federation with an organizational network of over 3,000 animal care and control agencies located throughout the United States. Today, I also speak on behalf of another Colorado-based group, the National Organization for Wild American Horses (NOWAH). Established in 1978, NOWAH provides education on humane care and handling of wild horses and burros to people who want to participate in the Adopt-A-Horse or Adopt-A-Burro Program.

Both AHA and NOWAH have had a direct "hands-on" role in the adoption of thousands of burros and hundreds of wild horses from China Lake. This role ranged from advising the Bureau of Land Management (BLM) to transporting the animals to matching them with adoptors. NOWAH will also begin a major direct effort to remove and adopt hundreds of wild burros from Death Valley this June.

AHA and NOWAH wish to go on record in strong opposition to S. 457. We dispute claims that conditions on federally owned Western rangelands warrant amending the 1971 Act, and disagree with the proposed changes to the Act contained in S. 457. However, others here today will detail these disagreements. My testimony centers on the Bureau of Land Management's "Adopt-A-Horse or Adopt-A-Burro Program." We believe that if certain practical improvements were made to that Program, S. 457 would not merit discussion.

From AHA's and NOWAH's direct experience with various aspects of the Program, it is our firm belief that if certain administrative and programmatic changes were made, clear Congressional intent of the 1971 law would be satisfied. Specifically, wild horses and burros would be protected from slaughter and the BLM would have an efficient mechanism for managing and controlling the animal populations.

If the Adopt-A-Horse or Adopt-A-Burro Program was to function as it was originally intended, there would be no need to amend the 1971 Wild Free-Roaming Horse and Burro Act. Indeed, there would be no need to even discuss granting to the BLM legislated authority to sell "excess" or "unadoptable" wild horses and burros to slaughter, which would certainly negate the very heart and soul of the 1971 Act.

We offer the following recommendations to improve the current Adopt-A-Horse or Adopt-A-Burro Program:

- Increased Volunteerism;
- Improved Techniques for Selecting Adoptable Animals;
- Improved Public Information Efforts;
- Improved Computer Capabilities; and
- Setting Reasonable Adoption Fees.

I will elaborate on each of these recommendations.

Increased Volunteerism

With the current Administration's emphasis on promoting the spirit of volunteerism, the BLM should lead the way in bolstering the Adopt-A-Horse or Adopt-A-Burro Program through volunteer efforts available from recognized non-governmental organizations. Not only do AHA and NOWAH stand ready to play an expanded role, but other organizations such as the Fund for Animals and The Humane Society of the United States also exist and could be asked to help. Past and current examples show that successful interaction between the BLM and humane or animal protective groups can take place.

One important area where volunteer efforts would supplement and compliment BLM concerns animals left over for adoption after the required holding period. Regulations stipulate a 45-day holding period for horses and burros rounded up and processed for adoption,during which time the BLM retains sole administrative and fiscal responsibility for the animals. By simply notifying the participating humane groups of the expected numbers of unadopted animals before expiration of the 45-day period, the BLM could enlist the groups in efforts to use their own network of adoption applicants. The results would significantly reduce the numbers of "unadoptable" animals, reduce the number of animals later destroyed, and, thus, reduce the Program's cost to the BLM.

Another area where the Program would benefit from volunteer efforts is in the verifying adoption applicants considered by the BLM to be questionable. Where inconsistencies are found on completed application forms, where prior histories of animal abuse are discovered, or where multiple powers of attorney are presented, the BLM rightfully has reason to be suspicious. Budget contraints often preclude thorough investigations of such applicants by the BLM before the animals are placed.

Humane societies in areas where questionable applications come from could be enlisted to verify application statements. Double benefits would accrue from this procedure. First, placements would more likely be permanent, thereby eliminating substantial costs to the BLM in repossessing the animals for readoption. Second, costs of investigating and verifying applications would not be borne by the BLM. Local humane societies with cruelty investigators on staff would, in most cases, promptly and without charge, routinely verify application data upon request.

It is important to note that precedent exists for this volunteer verification arrangement. For eleven months in 1978 the American Humane Association, through our national network of animal care and control agencies, assisted the BLM in investigating and verifying questionable applicants. With AHA as the contact point, the BLM notifies us of potential problems and we, in turn, contacted the closest humane society in the area, or the county sheriff where no humane society office existed. Face-to-face interviews with adoptors and on-site inspections of the facilities intended to house the animals were made, and reports of the conditions forwarded on to AHA who, in turn, reported the findings back to the BLM. AHA worked with a total of 33 local humane societies or county sheriffs in 17 states during the 11-month period. During that time, not a single incident of ill-advised or cruel placements that the AHA was involved in was recorded.

It is interesting to note that a strong motivating factor for developing the networking arrangement with AHA was a much publicized incident in Wichita, Kansas, where an individual adopted 300 wild horses form the BLM and was later discovered to have grossly abused and neglected them. The cost of this single event to the BLM was substantial, both in terms of the public's loss of confidence in the federal agency and the funds involved in repossessing and readopting the surviving animals.

It is probably safe to say that had this volunteer verification system continued to operate after 1978, subsequent adoption atrocities such as the most recent case in the city of Pittsburgh, Texas, would never have occurred. Reinstituting such a system would require minimal effort by the BLM and the humane community. The benefits would be numerous.

Improved Techniques for Selecting Adoptable Animals

Results from a recent ad hoc poll of adoption centers conducted by the AHA found that certain specific types of animals tend to remain beyond the 45-day holding period, the so called "unadoptables." Not surprisingly, these are usually old stallions, mares past breeding age, stunted animals, and inbreds. A certain ranking system seems to be used by the public in selecting animals for adoption: (1) young mares, (2) young stallions, (3) older mares, (4) geldings, and so on.

AHA and NOWAH recommend that when the animals are first corralled at the roundup site, the BLM transfer on to the adoption centers those animals known to be the most desirable, e.g., young breeding mares and stallions. Those animals known to be the most difficult to place should simply be allowed to return to the range for eventual natural extinction. (Male horses in this category should be humanely gelded before being turned back.) In this way, the cost of keeping "unadoptables" would be minimized, rational humane herd management would be accomplished, and the Adoption Program would be in a better position to assure success in its placements. The costs of implementing such a selection process would be negligible and the long term effects substantial.

Improved Public Information Efforts

Efforts aimed at informing the public of the availability of wild horses and burros is critical to the success of the Adoption Program. Indeed, the BLM ostensibly recognizes the necessity of public advertising when it states in its Fourth Report to Congress June 1982 - Administration of the Wild Free-Roaming Horse and Burro Act,

> "To reduce the impacts on adoption demand, public affairs activities are being increased to reach new audiences who are unfamiliar with the program. It is hoped that these expanded efforts will generate an increased adoption demand, making it unnecessary to destroy healthy animals."

AHA and NOWAH question that this statement is being implemented by the BLM. The most frequently expressed concerns heard from adoption center personnel are (1) that most people do not know of the Adoption Program or the existance of their centers, and

(2) that the BLM publicity budget is so low as to prevent the public from learning about them. We hope this Subcommittee will look into this further.

To implement BLM's goal of not destroying healthy animals, it should begin immediately to bolster its so far anemic publicity efforts with a well conceived, systematic publicity program. If properly conceived and targetted, such a program should not be expensive.

Improved Computer Capabilities

Efficiency of the Adopt-A-Horse or Adopt-A-Burro Program could be significantly increased and the costs significantly reduced through improvements in the current BLM computer system linking all adoption centers. The present costly system with limited positive return is a serious drain on the Program's administrative budget.

There are several areas in need of immediate improvement in BLM's computer capabilities. First, programs should be written to identify those adoptors who have not filed for title to their animals after one year's time. By maintaining up-to-date records of adoptions and their effective title dates in the computer, a tracking system would enable the BLM to quickly identify, notify, and resolve final title to the animals.

The BLM recognizes the extreme advantage of finalizing title for it states in its Fourth Report to Congress June 1982,

> "Awarding title...also reduces costs of recordkeeping and monitoring by decreasing the number of animals the Agencies must oversee."

In the same report, the BLM admits that:

> "Agency records reveal that of the almost 25,000 wild horses and burros maintained for more than 1 year, [only] 6,239 wild horses and 608 burros have been titled."

This enormous difference between adoptions and titles must be reduced if administrative costs are to be brought down.

Second, the computer should be used to (1) identify adoption applicants who warrant further investigation and verification, and (2) maintain accurate up-to-date records of potential applicants so as to ease the adoption centers' task of matching applicants with adoptable animals.

Finally, improved computer techniques could assist the BLM in responding to requests from potential adoptors. As an anecdote to this final point: an AHA member tried unsuccessfully for two years to obtain an application form from the Adopt-A-Horse Program. After numerous written requests to the BLM, to which no responses were ever received, our member finally obtained the application form after contacting her Congressman who interceded with the BLM. A proper functioning computer and match-up system would minimize such incidents.

Setting of Reasonable Adoption Fees

AHA and NOWAH are very concerned about the interpretation that the BLM might place on the following new language in S.457 regarding adoption fees:

> "the Secretary shall establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain and maintain a viable adoption program."

We are afraid that if the BLM again raises the adoption fees as it did from January 1982 to February 1983 from $125 to $200 for wild horses and from $25 to $75 for burros, that this will again increase the number of unadopted animals.

The special danger here is that S. 457 also would allow unadopted wild horses and burros to then be sold at public auction. Such unrestricted public auctions lead, in effect, straight to the commercial slaughterhouse -- just the opposite result from that intended in current law. One of the most important purposes of the 1971 Wild Free-Roaming Horse and Burro Act was to prevent commercial slaughtering of these animals.

AHA and NOWAH would like to see the adoption fees set low enough to basically clear the market of all desirable, adoptable wild horses and burros so as to minimize the number of unadoptable animals. (Note the importance of applying this fee setting policy in conjunction with our recommendation of returning essentially unadoptable animals to the range.)

BLM had argued that fees in the $200 range for wild horses and $75 for burros was necessary to cover handling and processing costs which, according to BLM's Fourth Report to Congress June 1982, were $279 per animal in 1980 and $299 per animal in 1981.

Please note, members of the Subcommittee, that in 1982, under contract to the BLM, NOWAH carried out the entire handling and processing procedures for adopting wild horses and burros for $94.45 per animal.

Rather than amend current legislation per S. 457, we recommend that the BLM adopt a number of methods, including those proposed in this testimony, to increase efficiency and reduce costs of the Adopt-A-Horse and Adopt-A-Burro Programs.

Senator **Wallop**. Thank you, Ms. Knope.
Mr. Crail?

STATEMENT OF TED CRAIL, CREATIVE SERVICES DIRECTOR, ANIMAL PROTECTION INSTITUTE OF AMERICA, SACRAMENTO, CALIF.

Mr. **Crail**. My name is Ted Crail, and I am representing the Animal Protection Institute of America. Ms. Mouras was not able to come, so I am going to present our statement for us.

And as I sat here today, hearing people from many sides of this issue, and I think that is a good function of this hearing is to get them all here, I am very convinced often, I'm moved this way and that by the different figures that are produced.

As a matter of fact, nearly everybody has some figures. They don't agree with each other. But I am not sure you are going to get them resolved within the context of this.

But I actually—and I am being serious now—I feel myself moved a little bit back and forth, because I see the gentlemen who are really opposed to the position I am going to present.

I think, "Gee, we are all in the room together"—and since we all love horses, and everybody here today has said that, we all love the horses. We all like the horses and we are certainly not against them.

I think we would make headway if we were all in that room and if we were all talking in a very sensible way.

And if we were saying, "Gee, we ought to save a lot of these horses; shouldn't we?", I think we would get somewhere, but I don't think we would get to that room.

I think instead we get to a—I think we get to the point of a law, and then when the law is passed, strange things happen.

For instance, we went to court over the changes in the last law, the last time the Congress dealt with this. And our lawyers told us what the law meant. The Federal judge who ruled on it didn't agree with our lawyer at all.

I think our lawyer might have been right, but I don't know. And until and unless we can overthrow that, what the judge said is what goes about what happened last time.

So I think everybody here in the room might wish to know that. The judge was Roger D. Foley for the district of Nevada, and he said, quote:

> The 1978 amendments to the Act shift the primary emphasis of the Act from protection of wild horses and burros to removal of excess animals for management levels that will protect the rangelands and allow for a multiple use of the land.

Now that's one of the better kept secrets in America today, because most Americans who know about this at all believe that there is an act out there which is for the protection of the wild horses and wild burros.

As a matter of fact, I sort of think so myself, as much as I have been all over it. And yet I see something that happened. If the Federal judge is correct, then we don't really have a protection act, exactly.

And you might say, "Well, how come you humane people, the ones in these organizations, let that go through?"

Senator **Wallop**. Mr. Crail——

Mr. **Crail**. Fairly unchallenged last time. Well, we didn't think the judge was going to rule that way, and I guess we were slipshod in what we were doing, and I think we made many failures.

But there is one thing left in the law that works for the wild horses. I want to tell you what it is. They don't get delivered to the slaughterhouse. This legislation originated and became one of the great humane acts of the 20th century, that is how we would describe it in our own small world.

We would say that the Congress did one of the great things humanely that has been done in this century when it passed the Wild Horse and Burro Act.

What did it do? It stopped the mustangers. It stopped them. That was the main thing. Now the Federal judge says that in 1978 things changed, and, indeed, they did change a bit.

But it did not bring back the mustangers. That's why maybe we were a little slipshod or didn't get done what we should have done.

But because it didn't bring back the mustangers it didn't have the full, public outcry that you have had before, and before, and before and will have again.

Now today you are considering something that brings back the mustangers. And it brings them back in a different hat. It's going to be Federal hat. We are going to have helicopters, but they are going to be doing the same thing.

They are going to be bringing horses back, back to the slaughterhouses. There may be some interruptions; you can discuss that over and over, what will happen between the time the horse is captured, what else happens.

But a percentage of those horses are going to be mustanged out. In other words, they are going to be captured and they are going to be sold, and our Federal Government is going to be doing it.

Now I am going to give you a hunch, a visualization about that. I think that the Bureau of Land Management is perfectly well aware that the great outcry comes, and it only comes at the time when wild horses are being slaughtered.

So I think at the time that you pass this law, I think that they are going to be so cautious, I think they are going to be so careful, because they know if they rush a lot of horses out there and they are slaughtered in a hurry that Life magazine and the New York Times and the television networks and all the people currently not noticing the full implications of the legislation that are here today are then going to follow the fate of one little wild horse.

And they're going to find out what happened. And when they find out what happens to that one, two, three, four, five, six wild horses, then suddenly they are going to get the full reaction all over again.

Senator **Wallop**. Mr. Crail, could you summarize, please? Your time is up.

Mr. **Crail**. Yes, I will. I would like to say that the BLM, perhaps unwittingly or simply through lack of insight, keeps the multiple users here who should be agreeing with each other, regarding each other as warring interests.

In practice, they need to be intercooperative. I think we can be, and I think your committee, instead of working with this law, should direct us back to all sit in a room and adjust the interests of the multiple users, so we do not become multiple abusers, which is where we are headed.

[The prepared statement of Ms. Mouras follows:]

STATEMENT OF CHERYL MOURAS, VICE-PRESIDENT, THE ANIMAL PROTECTION INSTITUTE OF AMERICA

Mr. Chairman and members of the Sub-Committee on Public Lands and Reserved Water of the Senate Committee on Energy and Natural Resources, I am Cheryl Mouras, vice president and director of programs for the Animal Protection Institute of America. Our organization has been concerned since its founding with humane solutions for the various dilemmas posed by wild horses, wild burros and other wild and domestic creatures seeking existence in territories where grazing conditions, the desires of livestock operators, the regulations of the federal government, and the laws passed by Congress become a humane concern of the highest order--and a matter, as well, of life and death.

The provisions you are considering were presented as "critical amendments to a 10-year-old law that has served its purpose but must now be updated to reflect past achievements and new objectives." We are alarmed by what we would take to be the most endangering, the most potentially inhumane, of those "new objectives" and wish to examine the question of whether this is really a needed updating or is, from the standpoint of humaneness and of the best use of our nation's natural resources, simply a new mistake. A mistake with great potential inhumanity in it which was avoided in the initial passage of the parent laws.

A very strong signal has been passed to your sub-committee and the Senate by the several meetings convened in recent months, by the large humane organizations of the United States and the consensus which arose out of these meetings. Representatives of these groups are gathered before you. In certain ways, they have much in common but in other ways, not as much. They frequently disagree. They can be much at odds on the very question of what constitutes inhumaneness and when a particular action may be judged to be inhumane.

But in this case we see something extraordinary in terms of unity. The same groups and organizations which were the dynamic force in achieving protections for the wild horses and wild burros and awakening the public and then Senate and Congress to inhumane, unnecessary activities on the range have found within them a prevailing unanimity on one key point; new and dangerous directives are indeed being implanted in the law by the provisions called the "Wild horse and Burro Range Improvement Act of 1982."

In the course of introducing the "improvement" proposals, it was stated, and I am quoting, "We must find reliable and humane alternatives that will still afford protection to the animals while they are under Federal controls." If that is the underlying, strong intention of these provisions, then the signal provided by the meetings leading up to the testimony being taken today is extremely strong and clear. Here are the principal, largest, most active organizations in the United States which have concerned themselves with the question of what "humaneness" toward wild horses and wild burros really means and all of them, unitedly, find that there is something inhumane about what is presented as a necessary updating with "new objectives."

If principal humane groups find the pending amendments so inhumane that all must organize, with pledges of mutual intercooperation, to seek to stop this inhumaneness, then the signal is almost overpowering that something extremely inhumane is afoot and there should be a very determined effort to know what and why. None of the humane organizations will have difficulty describing this. It is important that all concerned understand why such unity of purpose has been achieved and why the original formulators of what was originally "the highly humane" Wild Horse and Burro Act are now up in arms.

These supposed improvements not only will take all of us back to the very beginning of the struggle to save the wild horses, when significant protection was not available, they also will bring back the age of horse slaughter under a protective monopoly exercised by the Bureau of Land Management itself

No doubt those livestock raisers who feel their own operations impaired by the very existence of wild horses are expecting that these updatings, on how captured wild horses may be disposed of, will take the wild horses away--get them out of their hair. But that is not the certain or necessary effect of these provisions. The one certain effect is that the federal government will be converting the wild horses and wild burros of the West into a commercial asset. The first effect may be for the government to sharply reduce the number of wild horses, which has been a declared goal; but the second effect may well be for current and future managers of the Bureau of Land

Management and the Department of Interior to say to themselves: "We have a commercial asset here. How can we make the most of it?"

Our organization has been solemnly warning for a year now that these new provisions, presented as though they would have little effect except to find some practical use for horses who are doomed anyway, stands to make the United States government into the mustanger to end all mustangers--possibly into the biggest horse rancher in the world--and almost unquestionably into a calculating commercial operator of a commercial resource. In little more than a decade, a law designed to protect the wild horses will have been converted into a law that threatens to turn the federal government into the mightiest of mustangers--an intention far from the minds of everyone who has ever agreed that the wild horses and the wild burros are a heritage of America. The horses need to be saved under sensible conditions and should not become the assets of raiding cowboys when those cowboys come with rented helicopters and wearing federal hats.

One great weakening of the protective act which accumulated into law, in the early 1970s, as the "Wild Free-Roaming Horses and Burros Act" has already occurred. When that change occurred--with little demurral among the lawmakers and no unity of purpose among the humane organizations--there was little appreciation of what the real effect would be. Even the humane groups were not able to sense the degree of sabotage in the changes. They were labeled, after all, "improvements" and came under the title, "Public Range Lands Improvement Act of 1978."

Rather than give our own analysis of why and how these changes were detrimental to the cause of preserving some kind of equity for wild horses and wild burros among the other competing interests of the range, let me offer the analysis of a federal judge who applied himself to deciphering the actual import of the changes. API and several combining organizations had brought suit in the United States District Court for the District of Nevada, Judge Roger D. Foley presiding, and Judge Foley stated: "The 1978 amendments to the Act shift the primary emphasis of the Act from protection of wild horses and burros to removal of excess animals for management levels that will protect the range lands and allow for a multiple use of the land."

Now that is a federal judge stating, for America to hear, that the Wild Horse and Burro Act is not the Wild Horse and Burro Act it believed it was but a law that changed in mid-stream and became something else. It might be said to humane organizations like our own: "Time to change it back then, defeat the damage." That might be a fine idea but that is by no means the underlying effect of the changes now proposed. Why did the 1978 "Improvements" become law with little significant opposition even from the staunch defenders of wild horse and wild burro? Because people were willing to believe what they heard and they did not anticipate what a federal court would construe from the amendments. But there were those who did know well enough that the intent was to deflect the import of the wild horse and burro protections as originally passed.

Perhaps humane groups shouldn't be willing to live with this and should be here brandishing proposals for a rollback. At the moment, though, we are simply seeking to fight off what in all likelihood would become the final demolishment of the wild horse protections--the knockout blow that converts the American government all the way from savior to destroyer of the idea of the wild free-roamers with rights on the range.

In 1978, the changes made the humane portions of the act a bit groggy but they were not a knockout blow. Within the system, there still existed the possibility for containing the raids on the wild horse population to what the various competing interests might adjudicate among themselves as some kind of livable compromise. Now the threat is to eliminate the most basic protection of all--the protection of wild horses and wild burros from returning to their status--as pawn and prey of the petfood factories and those who supply them.

It has been pointed out that the wild horses and wild burros are the only wild animals which, in the ultimate sense, can be said to be "owned" by the federal government. It is true that the public, through its representatives, put the government in to what amounts to ownership but the ownership came with conditions. The condition was that the Bureau of Land Management was advised that it was to be the kindly guardian of the horses, seeking their best interest even as it sought the best interests of livestock managers small and large and the best interests of the wildlife in other categories and in fact of all multiple users of the land.

We object to none of this. We recognize the multiple users. We see them all as having rights--large ranchers and small; wild animals of the forest; the wild free-roamers. Our objection comes when one class, and one class only, is shoved to a new and unfortunate category: the category of auction items. Whatever else the federal government is doing, it is not holding Bighorn auctions or bobcat auctions or rabbit auctions. We are most hopeful that it will never eclipse the ranchers while assuring them that the controls it imposes are in their best interest. But we now stand on the edge of a precipice. Wild horses and wild burros are one of the multiple users. A strong coalition of those who would like fewer players in the game are ready to push this one category of multiple users off the precipice. They ignore the fact that the federal government, which has one stance today but will have another stance tomorrow, will become a pesky and even competing force. It is going to find the auctions just too interesting a moneymaker to miss. A growing number of cost-minded bureaucrats are going to start asking themselves why they didn't recognize the potential for the BLM, on government-owned land with these "owned" animals, to become a mighty and income-producing horse and burro rancher?

If it seems that this statement is directed almost entirely to a single aspect of the "improvements act," we want to state here that it is always important to go past the window-dressing to see what lies at the back of the window. You need not search around for what is most important, most vital, most "changing" in these improvements. Their author, after a discussion of the various other aspects to which we might have little or no objection, has taken all disguise away by a single phrase used in the introduction of the proposal.

In the statement of Senator Jim McClure, where the Senate is invited to consider what he describes as the "critical amendments," he comes, under the title, "The Need for Change," to what he calls himself "the most significant changes."

The passage reads, in all starkness, "The most significant changes we are proposing would authorize the Secretaries to sell excess animals for which there is not adoption demand."

Opponents of these imagined improvements claim that this is the very heart of the proposal but then so does the author. Here we have no difference. To be sure, there is an implication by all proponents that there is something quite humane about seeing that these seized horses, in their last extremity, are not just euthanized and disposed of but serve the useful purpose of going to ranches, farm tasks--they don't generally mention slaughter-houses. But to the slaughterhouses they will be going. That's where the auction sales would actually be taking great numbers of these proffered horses.

How great would the numbers be? Once the profit motive was well-instilled into managerial minds over at Interior, you can be sure that the numbers would be as great as the head of the operation could stomach--and the helicopter cowboys could supply. When the amendments are passed--if they are--everything will be in place to make this a new Dark Ages for the free-roamers.

It is sometimes believed, and no doubt there are many cattlemen who believe, that the purpose of the animal humane groups is to insist on horses existing in wild and uncontrolled numbers to a point where everything else is forced out, until there is a grotesque overpopulation of horses and nothing else can exist out there on these sparse ranges.

As it happens, that does not remotely describe the humane position. API, in particular, is like a member of a family who is not going to be torn into saying that it loves one sister better than another, fatherbetter than mother, uncle better than cousin. What animals do we seek to protect by coming here today? All of them. We seek to protect the rights of animals generally to exist in such abundance as the land allows, preserved from undue cruelty, finding their fate in Nature's way or according to domestic livestock-raising patterns which are within the humane livestock - rules as they currently exist. What we are against--what we are fighting--is innovation for destruction. Change which is a destroying change.

The livestock raiser, not knowing we respect his cows or sheep just as we respect the bobcat and the Bighorn and the wild horse, believes that we are hoping to drive away his herds in favor of these family favorites of ours, the wild horses. But we have no family favorites. We see beauty, strength, interest, sustenance for the whole chain of human and animal life within the concept of multiple use.

Those who believe that the wild horses and wild burros may be savaged with no potential harm to livestock or to trophy game animals will one day find that the real encroacher here is the federal government itself. The cowboys who seized the wild horses to make a living for themselves no longer can do that but now the federal government proposes to do so. It will find profit in it as the mustangers did. It will control its greed no better than the cowboys did. It will introduce government exploitation, in the strictly commercial sense, into the management of wildlife. But other innovations will lie up ahead. Be sure the government will encroach still further when it can.

Today you are considering an impairment of the principle of multiple use. This can rapidly become multiple abuse. The precedent will exist for the BLM taking an ever-stormier course as owner-controller of vast public acreage. We advise all here to protect the wild horse and to seek, within existing law, sensible solutions for overpopulations as they occur. We pledge to work for that--and to work intercooperatively with the handler-owners of every kind of animal. We assure one and all that the government, as the most autocratic, can be the most injudicious of owners; the owner least willing to live and let live. If this were not true, why is the higher bureaucracy of Interior so intent on the auction sale provision? Why do they make this--admitted or unadmitted--the primary goal of their present beckonings to the lawmaker?

Hope Ryden, naturalist student of the wild horses, is expected at these proceedings and can speak for herself but API wishes to insert into the record a statement from her book, America's Last Wild Horses, which has an overriding importance because it points out a factor often overlooked when Washington begins to think about the wild horses and who is supposedly "for" and who supposedly "agin."

"Not all stockmen," Hope Ryden has written, "viewed the wild horse as an enemy. Many, particularly the small operators who managed their own ranches, loved the wild horses and enjoyed catching a glimpse of a favorite band standing on the brow of a hill, or silhouetted against the sky. They came to recognize certain animals and gave them nicknames such as 'The Red Volcano,' 'Old Red Ears,' or 'Black Dynamite.' Some even protected the horse bands that grazed on their range, claiming that the unbranded animals in the region were their own stock."

Who will miss the wild horses most if this Congress, without ever intending that, sets in motion the machinery for their reduction into all but token numbers--or, just as bad, sees the machinery distorted into a system for making the federal government into a big-time horse rancher? It is the family living on the range, seeing those horses in the distance, who will feel the greatest melancholy; who will have the most poignant sense of loss. But America at large loses, too. There is something grand in the concept of animals who escaped from their soldier masters, or the Indians, or the ranchers, finding their way into social bands that live in their own kind of splendor in what happen to be--often enough--the ragtag, water-starved outlands that provided them a home simply because the pioneers were bypassing those acres in search of richer territory. This repopulation of the badlands by wild breeds in not just a great story but one of the greatest stories. Because the wild horses and wild burros and some other wild animals found something useful in these sparse territories, the potential in the land was explored again. Unfavored by Nature as it was, it had some uses. The wild horses and burros were prospectors who became in danger of being displaced by the later-comers.

Don't deny that the displacement occurred. No one knows for certain how many of these wild bands existed only decades ago. At the outset of our own century, that number may have been a million, two million--it was dozens of times the current figure. We now seem to be talking about--I'm sure different estimates will be offered here--about 43,000 wild horses. And the numbers are still falling. At different times we have heard the BLM intends a population of 30,000, of 27,000, of 25,000, of 17,000. API's own intention is: stabilize the numbers--stabilize them soon--or soon you will not be able to stabilize them at all. You will try to hit the magic number 30,000 or 17,000 and one day you will find--as we have found with so many animal species--that you destroyed the breeding patterns and the horses are almost gone; the burros graze no more.

In seeking to turn aside what the Animal Protection Institute clearly states will be the most destroying wild horse-wild burro-wild free roamer provisions ever considered by this lawmaking body, we believe it is incumbent upon us to suggest that there is some better way for the BLM to manage its territories and to fulfill the assignments given to it by House and Senate.

The means for saving wild horses, wild burros--and for benefiting the livestock grazers and the wildlife and the game species--are available now and without the destroying provisions that are brought here under the misleading title of improvements. Nothing that API is about to suggest should be construed as intended simply for the betterment or elevation of the wild horses for they are not our special client. We advocate, and seek to defend, all the animals of the range.

That is not a unique position by any means. Most humane organizations, calling themselves that, will have the same intention. Through the years, as the wild horses' plight was first discovered and as the first protections were made into law, a Reno secretary who became a national figure and an American legend, fought for the wild horses so earnestly that she became known as "Wild Horse Annie." Her name was Velma Johnston. She worked closely with our own organization and it was she who first taught us that there was a fundamental misapprehension about her own work as about wild horse defenders in general. "I am," she told us, "for all the animals of the range."

Let me go one step further and say that API is for all living creatures of the range including the human families who do indeed find it hard going, a grubby life at times, to eke a living out of barren territories. We admire their courage and their struggle even as we admire the separate struggle of wild creatures for existence while a technological world comes ever closer to destroying them. Everything out there is endangered--including the ranchers. So there should be a common cause, a common aim, to save these endangereds and to do it by practical means that work--not by the give-us-more-control systems of an ever-impinging federal bureaucracy.

For the rancher, just as much as for 'The Red Volcano, 'Old Red Ears' and 'Black Dynamite,' API asks that the auction sale proposal not only be quashed here but quashed in such resounding terms that the BLM does not come skulking back at the very next session, trying to get it through again. It is a false solution. It is a dangerous solution. Scotch it now--and get to the real issue of solving the problems of the range to the advantage of all the multiple users.

We hope it becomes the sense of this hearing to send an implicit message to the BLM, and to the Interior, which goes like this: You have the power now to work for constructive change that benefits all users--do that and quit looking for special powers that will complicate a complicated situation still further.

API would contend that the following are the needed steps:

(1) The BLM should take seriously the idea of bringing all multiple users into constructive sessions aimed at achieving equity for all users.

(2) The various multiple users should accept, as a starting point, that the existing situation on the public lands, while there are pockets of dangerous overuse, are in general equitable and that instead of trying to force one user, like the wild horses, off the land, the interests of all users should be either stabilized or advanced.

(3) On the basis of the factual content of studies too prodigious to present in this meeting--but susceptible to healthy analysis by the BLM land-planners and all others--there is no reason to believe that the public lands cannot be preserved and even improved from the standpoint of all users including that part of the American public which would say that the noblest and purest use of the land is simply for it to exist in its own wild profusion.

(4) The BLM should accept the historic role designated for it as protectors of the horses but also as the protector of the multiple users in general--and can do this by bringing in a wide range of opinion for the formulation of a master plan looking to the studied preservation and upgrading of the public lands.

(5) Since the real solutions for all multiple users depends on an improvement of water management in the West, the BLM should be asked to leave its present improvisational stance--where it solves problems, and especially the horse problem simply on the basis of crisis management--and seek long-term water upgrading for all dependent creatures including dependent ranchers.

(6) The BLM should be coming back to this Congress with ideas for public lands management but it should be coming back with an important compromise proposal which embraces the principal aims of the following interests who see themselves as competitors but in fact could be cooperators: the ranching interests, the land conservation groups, the animal conservation groups, the various organizations and individuals with a wilderness interest based on their own predilections, the various mining and mineral interests. The federal government should be negotiating toward a master plan on the public lands which serves the interest of the public and all living creatures generally and also leaves this nation with a wilderness heartland that can exist for the centuries.

The American people expect to reap advantages from the public lands. In practice, this means satisfying the needs of all multiple users without sacrificing the interest of any of them nor of betraying the public's general ownership by ceding away the general ownership. The American public is a landlord to these acres. Like all landlords, it has an obligation to make improvements. If it simply lets a valuable possession be reduced to shackdom, and then sold off to the high bidder, we will betray a great part of our national heritage.

The problem with the wild horses and wild burros is a symptom of a much larger problem: the BLM and Interior are not serving a good landlord. It is not meeting the interests of its many constituencies. In the case of the wild horses, it treats the whole problem of managing the wild bands as an exercise in squawk-management. Whoever is squawking loudest at the moment--ranchers or conservationists--may get listened to; a roundup may take place under flimsy circumstances and often based on a flimsy rationale; but the longer-range question of how the wild horses and wild burros can best survive is rarely rationally approached.

It is our belief that conservation and business interests have absolute commonality of interest here. They can reach an agreement--and the American public can find virtue in the agreement reached--if the BLM will become an umpire in the negotiating process; supply the masses of factual data needed; instill within its own ranks the will for public service; and quit pretending to solve problems by pretending that the American public would ever, in the long run, accept the idea of solving the wild horse question by delivering wild horses to the butcher.

The way out of the current confusion is by long-range planning which sets up multiple-use goals for the 17 years stretching to the end of this century; promotes a full consideration by the American public at large; confides that significant public funds will have to be spent on improved water-management out West; and gets on with the kind of improvements which will keep our wild splendors without impairing the national breadbasket.

The BLM, perhaps unwittingly or simply through lack of insight, keeps the multiple users regarding each other as warring interests. In practice, they need to be intercooperative. These Western acres are larger than imagined here in these committee rooms. There is room, still, for changes based on nurturing the land, not stealing away its assets. The wild horses are an asset. Their asset is: a wild strangeness--a reflection of the American dream of the wild, free-roaming life. And so we ask you: let the free-roamers roam. These "improvements" are actually a throwback--perhaps to something even worse than the commercial butchery of 35 years ago. It is unnecessary and unwise. A framework for survival already exists. Let's improve it; not destroy it.

Does the adoption program remain viable? Yes. Could there be relocations, instead of just adoptions, of existing wild horses?

Yes. Are the horse bands uniformly a danger to the wild territories? By no means--they are, much more uniformly, a glory; and blaming them for the overgrazing is like blaming frogs for downtown traffic. Can the humane organizations work cooperatively with competing interests and the BLM for a master plan that acutally makes sense? Yes. Can the principle of compromise be accepted by the humane groups as well as all others? Yes. Is the wild horse no more than a "mongrel of the range"? That is one of the great, slanderous sillinesses of modern times.

On behalf of Black Dynamite and all his wild breed, we ask this subcommittee not just to squelch the unwise provisions but to direct ourselves, the animal conservationists, and all other parties to go back to the drawing table and come forward with a rational full-scale plan for the future management of the American public lands. That directive should be made to all the competing interests and to the middlemen in government who are exploiting divisiveness instead of trying to channel aggressiveness into constructive action for a better land.

Senator WALLOP. Thank you, Mr. Crail.

Senator McClure?

The CHAIRMAN. Thank you very much, Mr. Chairman. I am puzzled by some of the testimony, because it seems to me that what you have said here is a valuable contribution.

That if we could understand one another, perhaps we wouldn't make some of the wild charges that are made on one side or the other against people that are coming from a different point of view.

And I can't help but comment, Mr. Crail, that the judge was probably correct, if you understand what he was saying.

That many people looking at the Wild Horse and Burro Act said that act, by itself, says, "Protect horses and burros, regardless of the cost to every other public land value—regardless of the cost to every other multiple, use value out on those lands."

And Congress did, I believe, intend to say, "Hey, wait a minute. The 1971 act said, and we believe it means that you protect the wild horse and burro where they existed in 1971, but you do it in a manner which also protects the public land values in those public lands."

And I think that's all the judge was saying. I believe that's all that the Congress was saying, although you have read it to mean something radically different, as an abandonment of the earlier mandate.

Mr. CRAIL. What I am really attempting to do is to read the results. I think the results of the act as done in 1978 and of the Federal judge's interpretation of them which followed have not been the atrocity that perhaps they could have been.

In other words, sort of by agreement, because the Bureau of Land Management has not gone as far as it could have done under the judge's ruling.

It has been OK so far, but now you are going to embody in the law something that will tempt them to go much too far.

That is my concern here.

The CHAIRMAN. Well, I understand your point, and I suspect that you are correct, that the BLM is not going to go too far, because they recognize the truth of what you say, that if they go too far they will be subjected to adverse criticism.

And it will emanate from this committee, as well as from other groups such as yourselves.

Mr. CRAIL. Senator McClure, because I had to be short, I skipped the point I was coming to, and I'll make it now, because you are talking about it. I think that they are going to be very careful at the beginning.

In other words, they are going to allow their mustanging power to pass for awhile.

The CHAIRMAN. I don't think you are going to go away in a month or two, and I don't believe they think you are going to go away in a month or two.

Mr. CRAIL. I think it is——

The CHAIRMAN. I'm not going to go away in a month or two.

Mr. CRAIL. I think there's other people—as the current administration, other people there in the Bureau of Land Management as they think over this mustanging power they have, the fact they can go out and round up horses, they are going to become very enthusiastic horse ranchers at some point.

In fact, we say that the Federal Government is now being invited and tempted to become the greatest mustanger in the world.

And I know you don't envision that, and I think it is exactly what is going to happen.

The CHAIRMAN. Well, I certainly don't envision that. I don't believe that they do, either. But I respect your point of view. Occasionally, I have been found wrong in the past, and I hope to live long enough to be found wrong in the future.

Mr. CRAIL. And then the cattle ranchers will be so angry at them.

The CHAIRMAN. I only have very limited time. Allow me to use it, if I may. Ms. Reilly, you indicate I think if I read your testimony correctly that you think the adopt-a-horse program has worked where permitted to work and you don't want it interfered with now.

Am I correct in that?

Ms. Reilly. Well, I think the adoption program has worked in the past, and I see no reason why it shouldn't be able to proceed and work again.

The $125 adoption fee is great, but I wish they would drop the transportation costs and just charge $125 right down the line for all distribution centers.

The Chairman. You would rather see that cost to the taxpayer increased for the benefit of the adopt-a-horse program, and that is a valid point of view; I won't quarrel with your right to express it.

And it may even be a viable solution to a problem. We might be able to subsidize it further and get more of them placed. And that might be a legitimate concern.

I point to your testimony in one point in which you find reason to criticize the bill where it says that, "The Secretary shall establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain, and maintain a viable adoption program."

I thought we were trying to eliminate commercial gain as a motive for the adopt-a-horse program. I would have thought that you would support that aim.

Ms. Reilly. Well, that's true. But yet S. 457 eliminates all that. I can go up and say, "OK, I will take those 100 horses"——

The Chairman. Well, that's not in the adoption program.

Ms. Reilly. No, that's not under the adoption program.

The Chairman. You cannot do that. Well, you were criticizing the adoption fee section of S. 457.

Ms. Reilly. Well, I was criticizing——

The Chairman. And I was trying to get—I am trying to find out why you were criticizing that particular portion.

Ms. Reilly. OK, I was criticizing because it could happen again, what happened with the $200 fee.

The Chairman. You think it might be put up too high?

Ms. Reilly. That's right; that's right.

The Chairman. All right, I understand then why you suggest it. That's exactly opposite what the intention of the bill is. I also can't help but note there have been great charges, vehement charges of abuse of the animals under the adoption program.

And I refer to the Globe article of March 15, 1983, in which Joan Blue of the American Horse Protection Association takes BLM to task for the way in which the horses have been abused.

She says that—and she is quoted here. I don't know whether she said it. She is quoted here as saying, "At least 60 percent of all wild horses in the adoption program wind up in the slaughterhouse."

Do you agree with——

Ms. Reilly. I don't believe that.

The Chairman [continuing]. Mrs. Blue's statement?

Ms. Reilly. No, I do not.

The Chairman. Well, I don't agree with it, either, but she made it and I am glad to know that from your perspective you don't agree with that statement either.

Mr. Gaspar. Excuse me, Senator, may I respond to that just for a moment?

The Chairman. Surely, yes, sir.

Mr. GASPAR. On behalf of the association, there have been serious leakages in BLM's obligations to insure that adopted wild horses do not receive inhumane treatment or go to slaughter.

And I think that although all of our groups here support an adoption program, we all recognize that the program as it has been run in the past has been seriously compromised by those leakages.

And we are further concerned by the language in S. 457 that eliminates any obligation on the part of the Bureau to determine that those horses are being humanely treated before title is passed.

The CHAIRMAN. It doesn't say that at all. As a matter of fact——

Mr. GASPAR. It is my understanding, and I would appreciate clarification if I have misunderstood it.

The CHAIRMAN. Well, if you will read the bill on page 7, starting in subsection (c), line 18, "Where excess animals have been transferred to a qualified individual for adoption and private maintenance person under this Act, and there is no evidence of inhumane care or treatment of such animal or animals for a period of 1 year, the Secretary is authorized to grant title of the transfer at the end of a 1-year period."

Mr. GASPAR. Yes, sir. And what that does is to eliminate the language that reads, "The Secretary determines that such individual * * *." It relieves the Secretary of the obligation to determine. And that is what we are concerned about.

The CHAIRMAN. Well, I have understood from other witnesses here that private efforts to determine whether or not they have been subject to humane treatment during that period of time have been very successful.

It has been suggested here that private organizations would run this program much better. And I am very much concerned with one suggestion that has been made here today that we—I think you said it, Ms. Knopke, about the BLM involved in a vigorous publicity program.

The ability of the Government to involve itself in vigorous publicity programs depends upon whether you agree with the objective.

In this instance you urge them to take a particular direction. We have tried to say the Government shouldn't be involved in propogandizing its people for or against any particular point of view with respect to any particular program.

I would suggest that if you think the adopt-a-horse program would work better with more publicity, that some of you groups who are concerned about its lack of publicity undertake that responsibility.

Ms. KNOPKE. Senator, may I——

The CHAIRMAN. Yes.

Ms. KNOPKE [continuing]. Mention that in the fourth report to Congress, dated June 1982, from the BLM there is a section that reads:

> To reduce the impacts on adoption demands, public affairs activities are being increased to reach new audiences who are unfamiliar with the program. It is hoped that these expanded efforts will generate an increased adoption demand, making it unnecessary to destroy healthy animals.

That indicates that the BLM recognizes the need for publicity. We question and would request that the subcommittee look into just how much vigorous efforts have gone on.

The CHAIRMAN. I understand that, and it is questionable whether the Government should be involved in the effort to publicize, if you will, the distinction between publicize and propoganda is a very difficult distinction to make.

And you applaud the effort in one instance, you will condemn it in another simply because you agree or you disagree with the objectives of the publicity which they may be putting out.

And I would think that the private——

Ms. KNOPKE. We are concerned that the publicity is not going out, Senator. That is the problem.

The CHAIRMAN. The private organizations might well accept the responsibility for doing in concert with the adopt-a-horse program that degree of publicity which you believe is necessary to make it more successful than it now is.

I have no objection to the Federal Government making information available to the public. But at some point it ceases being legitimate and becomes an illegitimate effort of Government, even though in this particular instance we might well say, "Hey, that's great, we like this program, you ought to go ahead and say some more."

There is always the danger the Government will not stop at the appropriate level and in the appropriate direction.

And they will attempt to use the authority of Government to achieve what they think are legitimate ends, while other people in society say, hey, wait a minute. When the Government starts in weighing in the public relations efforts free speech and freedom of the press and free exchange of ideas beings to suffer in that balance.

I don't know where you draw that line. But I caution you that there is a line. And I would hope that your individual private organizations will accept a little bit more responsibility to make this program work if, indeed, you think it is not working.

Thank you, Mr. Chairman.

Senator WALLOP. Thank you, Senator McClure. I have got one thing at least out of today's hearing and that is finally a definition of special interest. That appears to be the interest that is on the other side of the fence from which one stands.

You have been called special interests by those who opposed you. Your testimony has collectively called them special interest, looking back.

So we might in the interest of kind of calming the rhetoric, Mr. Crail, and if there was ever a chance to get inside a room with anybody, nobody is likely to spend much time in there if he knows he is going in to be called a name.

It just is a useless practice. And I would point out to you that in this process, at least in the Rock Springs grazing district where we held the first hearing on this, there was plenty of testimony that horse protection groups, grazing associations, Fish and Wildlife people and the BLM got together and agreed as to the number and carrying capacity of that range.

It worked. And they all agreed about it. They just can't agree how to get those horses off. They all agree that they ought to be reduced.

And the problem that we are facing here is not trying to eliminate the adopt-a-horse program. It doesn't call for it, it doesn't say it. In fact, it expands it, in fact, requires it.

But what do you do when you still have a growing horse population on those ranges and you can't get rid of everything that you have? That is the problem. And Mrs. Reilly I would ask you, because I have heard that you have an interest in this.

And it is similar to the kind of things I just described at the Rock Springs grazing district. What is your opinion on a coordinated resource management planning in trying to solve wild horse problems?

Ms. REILLY. Well, I am very, very happy that I happen to serve on two committees where the livestock interests, the wildlife interests, the Fish and Wildlife, Sierra Club, we all sit and can work a workable solution out.

We have taken field trips to see what the problem is out there. And it just worked beautifully. And the only thing people will always say, "You name the number of horses to be taken off."

Well, I can't do that. I've got to go out in the field, I've got to see what the resource land is like, how many cattle are out there, and what the water situation is before we can make a decision.

And we will always come down a little lower, so as the resource land gets better the horse numbers are going up.

Senator WALLOP. So it can be, in your experience, a satisfactory way of resolving issues with regards to determining at least general levels of population and what is good for the land?

Ms. REILLY. Well, this is the only way to do it. There are a lot of areas, too, they will say, "OK, we want to take 100 horses off of here." There might be 300 horses.

Well, the resource land is good. I don't go along with that number. Those 300 horses stay there.

Senator WALLOP. Well, that doesn't——

Ms. REILLY. So it all depends——

Senator WALLOP [continuing]. Sound like coordinated resource management.

Ms. REILLY. Well——

Senator WALLOP. That sounds like, you know, that there is——

Ms. REILLY. This is how it works.

Senator WALLOP [continuing]. Only occasionally——

Ms. REILLY. And it has been working fine.

Senator WALLOP. But I mean I guess what I am saying is that it sounds like it is only occasionally a mutual agreement.

Ms. REILLY. I don't understand what you mean.

Senator WALLOP. Well, if you come to a problem as you just described it, and I don't think you intended to, but it sounded as though you would make the determination that those horses stay there, period.

That doesn't sound like people——

Ms. REILLY. Oh, no, we all work together to determine that number, not I alone personally.

Senator **Wallop**. OK, that's what—I didn't think you meant to say that.

Ms. **Reilly**. No, the ranchers, the livestock people, Fish and Wildlife, Sierra Club, all interests; mining, recreation.

Senator **Wallop**. Those miners have a whole lot to worry about, what the wild horse does, but maybe——

[Laughter.]

Senator **Wallop**. You don't have too many of them grazing underground, though; do you?

Ms. **Reilly**. No.

Senator **Wallop**. I want to thank you all for your testimony here today. And the last panel we arrive at is Sharon Saare of Horsemen's Coalition of Seattle, Wash.; Alicia and Robert Payne, horse breeders from Herndon, Va.; Mr. Wayne Merteney, president of Nevada Cattlemen's Association, Elko; Heather Smith Thomas, author on wild horse controversies from Salmon, Idaho; Joe Fallini, a member of the Nevada Cattlemen's Association of Turn Springs, Tonopah, Nev.; and Jim Clapp, Wild Horse Sanctuary in Alturas, Calif.

Welcome, and Sharon Saare, would you begin?

STATEMENT OF SHARON SAARE, SEATTLE, WASH.

Ms. **Saare**. My name is Sharon Saare. I am from Seattle, Wash. And attached, Senator Wallop, is a list of 55 recreational horse user groups and horse industry groups that are in support of S. 457 and have authorized me to represent them in this testimony.

Senator **Wallop**. Thank you.

Ms. **Saare**. The affiliates of these organizations include hundreds of horse clubs and associations across the Nation. Some of these State and National groups have 200 to 250 affiliates which translates into thousands of individual memberships.

These people are horse owners and horse handlers. I have owned horses for the past 34 years. Six of those years involved the coownership and management of the largest horse ranch in northern California, at which time we bought, shipped and sold approximately 8,500 head for recreational use.

I am not now in the horse business. I do not expect to be in the future, and so I have no commercial interest in the outcome of this legislation.

A significant number of the horses we sold came from the ranges and wild herds now under the jurisdiction of the Bureau of Land Management and Forest Service.

For several years I have also served on various industry committees and boards of directors of organizations, some of which deal primarily with land use issues as they relate to the horse.

The groups I represent, and I personally would like it understood that we are very much in support of the wild horse and burro program. However, as horse owners we recognize that the circumstances of the wild horse and burros have changed in the last 10 years.

Whereas the original mission of Public Law 92-195 was preservation, now due to the expansion of herd sizes it is imperative for that mission to be oriented toward management and control, as well as preservation.

As long as the herds are healthy, and in a state of well being as they should be, they will continue to increase.

Thus, the problems of overpopulation must be addressed, because they are not of a temporary nature. This problem is not going to go away.

The National Academy of Sciences has stated that where excess animals exist, removal is the appropriate action to take.

While the position of some groups has been that they should simply be left to reduce their numbers by starvation, this has never been an acceptable alternative to knowledgeable horse owners, stockmen, wildlife interests and those who understand range management.

In view of the fact that humane societies across the Nation are charged with preventing starvation and animal abuse, we find it ironic that any organization proclaiming its concern for animal welfare should recommend starvation as the policy for the Federal Government.

Beyond that, once the animals are removed, the only two alternatives BLM and the Forest Service have is to put them into the adoption program or destroy them.

While horse owners recognize the value of the adoption program, they are also aware of its limitations. Some horses simply aren't suitable for that program.

This is a reality that is linked to the horse's age. Older horses that have been running free on the range for many years are much less likely to adapt to a domestic environment.

The result is that many of these older horses eventually wind up being sold for slaughter, much the worse for wear, and a source of disappointment for whoever adopted them.

If adoptions were generally limited to animals four or five and under, the adoption program would experience a much greater measure of acceptance from the horse industry.

The next question is what to do with the older excess horses. The existing alternative is to shoot them. With the quantity of animals now in these herds, shooting them would involve large numbers until management levels have been reached.

One of the darkest pages in the history of the American range was the era of the buffalo hunters. They wantonly destroyed thousands of animals. The unused, rotting carcasses they left behind were a national disgrace.

It is perfectly understandable why Agency personnel find abhorrent the potential order to shoot and leave to rot large numbers of horses.

In essence, they would be forced to become today's buffalo hunters, which would be revolting to them, both personally as well as professionally. It would also reflect negatively upon the agencies.

And Congress would be put in the position of ordering the buffalo hunt. The alternative offered by S. 457 sales authority with revenue generated going back into the wild horse and burro program provides a realistic answer.

The National Academy of Sciences' report indicates that range conditions would be improved for the animals if additional water sources were developed.

This is only one of many ways that recovered funds could be utilized. Since some animals must be removed, what is so wrong with harvesting them in such a way that benefits those that remain?

Senator **Wallop**. Thank you, Ms. Saare.

[The prepared statement of Ms. Saare follows:]

TESTIMONY OF SHARON SAARE, SEATTLE, WASHINGTON BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 11, 1983
Washington, DC

My name is Sharon Saare. I am from Seattle, Washington. Attached is a list of recreational horse user groups and horse industry groups that are in support of S #457 and have authorized me to represent them in this testimony.

The affiliates of these organizations include hundreds of clubs and associations across the Nation. Some of these State and National groups have 200 to 250 affiliates, which translates into thousands of individual memberships. These people are horse owners and horse handlers.

I have owned horses for the past thirty four years. Six of those years involved the co-ownership and management of the largest horse ranch in Northern California, at which time we bought, shipped and sold approximately 8,500 head for recreational use. (I am not now in the horse business, nor do I expect to be in the future, so I have no commercial interest in the outcome of this legislation.) A significant number of the horses we sold came from the ranges and wild herds now under the jurisdiction of the Bureau of Land Management and the Forest Service. For several years I have also served on various industry committees and Boards of Directors of organizations, some of which deal primarily with land use issues as they relate to horses.

The groups I represent, and I personally would like it understood that we are in total support of the Wild Horse and Burro program. However, as horse owners, we recognize that the circumstances of the Wild Horses and Burros have changed in the past ten years.

Whereas the original mission of PL 92-195 was preservation, now due to the expansion of herd sizes, it is imperative for that mission to be oriented towards management and control as well as preservation. As long as the herds are healthy and in a state of well being, as they should be, they will continue to increase. Thus the problems of overpopulation must be addressed---they are not of a temporary nature.

The National Acadamy of Sciences has stated that where excess animals exist, removal is the appropriate action to take. While the position of some groups has been that they should simply be left to reduce their numbers by starvation, this has never been an acceptable alternative to knowledgeable horse owners, stockmen, wildlife interests----those who understand range management.

In view of the fact that humane societies across the nation are charged with preventing starvation and animal abuse, we find it ironic that any organization proclaiming its concern for animal welfare should recommend starvation as a policy for the Federal Government.

Beyond that, once the animals are removed the only two alternatives BLM and the Forest Service have is to put them into the Adoption Program or destroy them. While horseowners recognize the value of the adoption program, they are also aware of its limitations. Some horses simply aren't suitable for that program. This is a reality that is linked to the horse's age. Older horses that have been running free on the range for many years are much less likely to adapt to a domestic environment. The result is that many of these older horses eventually wind up being sold for slaughter, much the worse for wear, and a source of disappointment for whoever adopted them. If adoptions were generally limited to animals four or five and under, the Adoption Program would experience a much greater measure of acceptance.

The next question is what to do with the older excess horses. The existing alternative is to shoot them. With the quantity of animals now in these herds, shooting them would involve large numbers until management levels have been reached.

One of the darkest pages in the history of the American Range was the era of the buffalo hunters. They wantonly destroyed thousands of animals. The unused rotting carcasses they left behind were a National disgrace. Its perfectly understandable why Agency personnel find abhorrant the potential order to shoot and leave to rot large numbers of horses. In essance, they would be forced to become today's buffalo hunters, which would be revolting to them personally as well as professionally. It would also reflect negatively upon the Agencies, and the Congressional intent of the Wild Horse and Burro Act itself.

The Alternative offered by S # 457, sales authority, with revenue generated going back into the Wild Horse and Burro Program provides a realistic answer. The National Acadamy of Sciences report indicates that range conditions would be improved for the animals if additional water sources were developed. This is only one of many ways that recovered funds could be utilized.

Since some animals must be removed, what is so wrong with harvesting them in a way that benefits those that remain.

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Groups represented in this testimony:

TRAIL, Inc.
North American Trail Ride Conference
Oregon Horsemen's Association
Back Country Horsemen of Washington
Heritage Trails Fund, California
Oregon Equestrian Trails
Sonoma County Trails Council, California
Cow Mountain Endurance Ride, California
Ohio Horsemen's Council
Southwest Idaho Trail and Distance Riders
Nevada All State Trail Riders
Occidental Equestriennes, California
Equest Rides and Equest Training Center, Nevada
Metropolitan Horse Association, Cleveland, Ohio
Arizona State Horsemen's Association
New Jersey Horse Council
American Saddlebred Horse Association of New Jersey, Inc.
Los Padres Corral # 39, Equestrian Trails, Inc., Santa Barbara, Calif.
North Carolina Horse Council
Wisconsin State Horse Council
Oklahoma State Horse Council
Iowa Horse Industry Council

Michigan Horse Council
Mississippi Horse Council, Inc.
102 Endurance Ride, Nevada
Cross State Trail Riders, Massachusetts & New England States
Western Washington Regional Appaloosa Club
Douglas County Humane Society, Douglasville, Georgia
Eastern States Trail Riders Association, Georgia
Timberidge Stables, Douglasville, Georgia
Connecticut Horse Council
Colorado Horsemen's Council
West Virginia Horse Council
Run for the Roses Endurance Trail Ride, Snellville, Georgia
Go-Get-Em Endurance Ride, Rockmart, Georgia
Edgemont Competitive Trail Ride, Lenoir North Carolina
Summerville 50 Endurance Trail Ride, Lithia Springs, Georgia
Hutchings Mountain Competitive Trail Ride, Douglasville, Georgia
South Dakota Horse Council, Inc.
South Florida Trail Riders
American Endurance Ride Conference
El Paso County Horseman's Council, Colorado
Pennyslvania Equine Council
Boise Acadamy of Veterinary Practitioners, Boise, Idaho
Affiliated Horse Organizations of Florida
California State Horsemen's Association
Petaluma Senior Riding and Driving Club, California
Minnesota Horse Council
Equestrian Trails, Inc.
Hoosier Horse Council, Indiana
California Horse Council
Mariposa County Hiking & Equestrian Trails Advisory Council, Calif.
Mariposa Mountain Riders, California
Russian River Riders, California
Sonoma County Driving and Riding Club, California

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- - - - ABOUT SHARON SAARE - - - -

Born in Santa Rosa, California. Santa Rosa is about 50 miles north of San Francisco. Currently living in Seattle, Washington.

BA, University of Washington, General Studies, major-Public Policy and Planning.

Owned horses since 1949. From 1961-66 co-owned and operated the largest commercial horse ranch in Northern California, handling 8,500 head in 6 years. Acted as buyer for 5 of those years purchasing 6,000 head.

Operated a horse breeding program from 1955 through 1974. Peak years involved 100 mares annually.

Showed in halter and western performance classes for nearly 20 years.

Became interested in endurance riding in 1965. Completed the Tevis Cup 100 Miles in One Day Ride in 1967 on Easter Ute, owned by James Drury of the Virginian TV series. Since that time, completed the Tevis Cup two more times as well as six other one day 100 Milers, the Florida 3-day 100 Mile Competitive Ride, 50 mile endurance rides in 12 States in the US - 2 sixty milers in Australia and a 40 mile competitive ride in England.

Wrote the first National Distance Program for a horse registry. Assisted the Pinto Association, Int'l Arabian Assn., and US Pony Clubs develop their distance programs.

Wrote and was the principal subject in the first commercially made film about endurance riding. Wrote 3 definitive books about trail riding, one of which was for Farnam Co. Wrote and photographed the Competitive Trail ride slide set for 4-H - US Extension Service. Conducted a Nationwide clinic and lecture series on Distance Riding and trail preservation in 38 of the 50 States traveling 60,000 miles a year for 3 years. Presented programs on these subjects at Universities in Oregon, Washington, Tennessee, Georgia, Maryland, Missouri, Idaho, North Carolina and California.

Designed the first endurance trail saddle to be put into mass production.

Worked as # 2 National Horse Coordinator and first business manager of the BiCentennial Wagon Train.

Initiated the idea of the Nez Perce Trail becoming a National Trail. Provided written testimony for the US Senate hearings and gained necessary support for that trail in both Houses of Congress.

CoProducer of Trails Unlimited slide series on the subjects of horses and land use and trail development. The series is now in distribution in 33 States of US, Australia and Canada. Made presentations in behalf of horse use on recreational lands to just about every federal land managing agency in Washington, DC. Also acts as consultant to city, county, state agencies and professional planners re: integration of open space and recreational elements into general plans..and site specific problem solving.

1980 re-elected to National Trails Council Board of Directors obtaining the highest vote from a Nationwide slate of nominees...AND..was honored to receive a US Forest Service 75th Anniversary Award for "outstanding service in appreciation of your significant contributions to Forestry and Conservation." Similar awards in 1981 from the State of California and trail interests in Australia and Canada.

Program co-designer for 1981 6th National Trails Symposium, University of Calif., Davis - considered by many professionals in recreation and planning the educational event of the decade on that subject.

Published numerous articles over 25 years in 70 different horse publicationsin US, Canada, and Australia. Photography for National Geographic, Xerox, Farnam, US Forest Service, Dept. of Interior, President Ford Museum, and numerous horse magazine covers.

Senator **Wallop**. Mr. and Mrs. Payne, which is it? Oh, Miss and Master Payne—whatever.

[Laughter.]

Senator **Wallop**. It's Mrs. Payne.

STATEMENT OF ROBERT R. PAYNE, HORSE BREEDER, HERNDON, VA.

Mr. **Payne**. OK, my name is Robert Payne. I live in Herndon, Va. We are a breeding operation, and I have dealt with the breeding, the foaling, the training and breaking of all ages of horses.

I am also a 4-H'er. I have been a 4-H'er for 8 or 9 years. Since I have participated in this kind of event, I think it would be only fitting that other people my age have the chance, and that is why I want to see this adoption program go to the younger people.

Keep the price low, have more adoption centers so we can have more people in it. The main problem right now is there is not enough adoption centers. The nearest one to me would be Pennsylvania. I think there should be one in every State.

If it is, you know, tried out in a couple of States, this way more people can have a chance at it. For a youngster like myself, most of the people that have the horses have to save their money and buy it and keep the upkeep, because parents really don't want them.

The biggest step is to get the horse, and a good horse costs money. And if you have the experience, then you can get an adoption horse for a lot cheaper. The older horses are much harder to break, because they are more set in their ways.

You find that the younger are more eager to accept the new ways than the old. But not only can they be more hard to break, they can also be more dangerous.

And someone with less experience can be extremely—you know, dangerous. I think with this sort of program the public would have great success in the training of young stock.

That's why the older stock should be sold at an auction. The funds should be put back into this program. This way, more and more horses can be saved. My involvement with 4-H and horses has increased my sense of responsibility and self-esteem.

I have learned a lot about myself and how to control my temper. I would like to see more young people get the chance and the opportunity that I have had, and with the adoption program, I think they will.

Thank you for your time.

Senator **Wallop**. Thank you very much.

Mr. **Payne**. And also at this time I would like to present petitions from my Government classes. This is in support of this bill, No. 457.

[The prepared statement of Mr. Payne follows:]

TO: SENATOR JAMES McCLURE and SENATOR MALCOLM WALLOP

RE: SENATE BILL #457 amending the Wild Horse and Burro Act
PL 92-195

DATE: April 11,1983

FROM: ROBERT S. PAYNE, Herndon (Fairfax County) Virginia

TESTIMONY OF ROBERT S. PAYNE

My name is Robert S. Payne. I am 16 years old and a student at Herndon High School which is located in Fairfax County, Virginia. I am also a 4-Her in Fairfax County and have been involved in the horse project area for the past 8 years. My family and I have been breeding Appaloosa horses since 1971 and we have owned horses since 1968. I assist in the breeding, foaling and breaking of our stock. We are a totally family operation with no outside help.

I have seen horses so fat that they founder. I have also seen horses so skinny you could use their ribs for a xylophone. The people against this bill who say "let nature takes its course" must truly love to see a horse suffer. Since these wild horses have no natural preditors, the only way they will die is of old age, if they get sick or hurt, or of starvation. When a lot of people went on those hunger strikes, do you remember how long it took for them to die? Well, that's how long it takes for a horse. It is a long drawn out death that's very painful.

If we can prevent that, then why should we hesitate? Plainly, there are too many horses on our ranges. We must cut down on these horses or we shall lose them all because the range cannot continue to support the numbers currently on them. I, for one, do not want to lose these horses for they are a reminder of what has been -- just like computers and robotics are a reminder of what is to be.

The adoption program is placing some of these horses, but that is still not enough. The older, coarser horses should be taken to a sale. Of course, some will be sold to the killers, but already a 3rd of a million horses are sold to slaughter houses a year and many of them are registered horses. The profits from these sales should be put back into the program.

Yes, some are killed, but more shall be saved this way. If nothing is done, then they shall all die from starvation.

In support of Senate #457, I would like to present to you at this time, petitions from students primarily from the Government classes at Herndon High and faculty members.

Senator Wallop. By all means; thank you.
Mrs. Payne?

STATEMENT OF ALICIA E. PAYNE, HORSE BREEDER, HERNDON, VA.

Ms. Payne. I want to thank you for the opportunity to come and speak to you here today. My name is Alicia Payne, and I reside in Herndon, which is located in Fairfax County, Va.

My family and I breed, raise, train, and show Appaloosa horses. I have been involved in land use planning for the past 12 years in my county and State. I was the perpetrator of a trail legislation package that passed in the 1979 Virginia General Assembly.

Some of the positions that I have held in the past are: Cochairman, Centreville District Trail Committee; vice chairman of the Fairfax County Trails Committee; member of the Virginia Horse Council State Trails Committee; director of the Virginia Horse Council; director of the Central Atlantic Appaloosa Horse Club; horse project leader for 12 years in 4-H, conducting resident riding camps, clinics, judging competitions, et cetera.

I have produced a slide series on breeding and foaling and have lectured in local community colleges and extension-sponsored seminars.

I have also been a guest speaker at the national trails symposium. I am currently on the Equestrian Trails Committee in the area of land use for U.S. Pony Clubs, and have been asked to serve on the Virginia Horse Council's Zoning and Ordinance Committee and Legislative Committee.

I am a member of the Virginia State Appaloosa Horse Association Youth Committee. As a breeder I recognize many of the problems that the Bureau of Land Management is experiencing in managing our wild horse herds.

Our Government has now become the largest horse breeding operation in the country, if not the world, without being able to practice practical horse husbandry. The wild range-bred horses of the Nez Perce were recognized by Lewis and Clark in their journals as comparable to the finest bred horses in England at that time.

The Nez Perce practiced selective breeding, culling, gelding, and selling of inferior animals. They recognized, even in that day and time, the importance of good management practices.

Our rangelands cannot continue to carry the number of wild horses that currently occupy it. If we don't manage our rangelands by reducing these horse herds, it won't be long until they cannot recover from the ravages of overgrazing.

And then all the animals depending upon this food source will die. Further, it is important to remember that if we don't have enough natural forage we will be highly criticized if we don't provide additional hay and grain to feed an overabundant population.

In my opinion, I believe the passage of Senate bill 457 is vital to managing these herds. The Bureau of Land Management should be given the authority to select the younger animals for the adoption program, with the older, unadoptable animals being sold at public auction.

The younger horses will have the greatest chance of adjusting to domestic life. If Senate bill 457 does not become law, in the very near future we may be put in the position of having to expend funds to feed these wild horse herds when natural forage is no longer available to them.

In this economy I believe we would receive strong criticism from the public if our Government is required to spend unnecessarily taxpayers' money to feed wild animals when many people in this country are going hungry.

Attached to this testimony is a letter of endorsement from the Virginia State Appaloosa Horse Association and the Clifton Horse Society endorsing the passage of Senate bill 457.

I would like to add one other comment, if it is allowable. And that in my experience as a breeder if you have wingling foals that are running together, the following spring invariably, unless the colts are separated from the fillies, those fillies will become pregnant.

So these horses can reproduce at a very early age. The 3-year-old limit is not necessarily true. And I do think that the BLM's figures are probably very accurate as to what their increase may be.

[The prepared statement of Mrs. Payne and attachment follow:]

TO: SENATOR JAMES McCLURE and SENATOR MALCOLM WALLOP

RE: SENATE BILL #457 amending the Wild Horse and Burro Act PL 92-195

DATE: April 11, 1983

FROM: ALICIA E. PAYNE, Herndon, Virginia

TESTIMONY OF ALICIA E. PAYNE

My name is Alicia E. Payne and I reside in Herndon, which is located in Fairfax County, Virginia. My family and I breed, raise, train and show Appaloosa horses. I have been involved in land use planning for the past 12 years in my County and State. I was the perpetrator of a trail legislation package that passed in the 1979 Virginia General Assembly. Some of the positions that I have held in the past are: Co-Chairman, Centreville District Trail Committe; Vice Chairman of the Fairfax County Trails Committee; member of Virginia Horse Council State Trails Committee; Director of Virginia Horse Council; Director of Central Atlantic Appaloosa Horse Club; Horse Project Leader for 12 years in 4-H, conducting resident riding camps, clinics, judging competitions, etc.; produced slide series on breeding and foaling and have lectured in local Community College and Extension sponsored seminars; guest speaker at the National Trails Symposium. I am currently on the Equestrian Trails Committee in the area of land use for U.S. Pony Clubs, and have been asked to serve on the Virginia Horse Council's Zoning and Ordinance Committee and Legislative Committee; member of the Virginia State Appaloosa Horse Assn. Youth Committee.

As a breeder, I recognize many of the problems that the Bureau of Land Management is experiencing in managing our wild horse herds. Our Government has now become the largest horse breeding operation in the country, if not the world without being able to practice practical horse husbandry.

The wild, range bred horses of the Nez Perce were recognized by Lewis & Clark in their journals as comparable to the finest bred horses in England at that time. The Nez Perce practiced selective breeding, culling, gelding and selling of inferior animals. They recognized, even in that day and time, the importance of good management practices.

Our range lands cannot continue to carry the number of wild horses that currently occupy it. If we don't manage our range lands by reducing these horse herds, it won't be long until they cannot recover from the ravages of overgrazing and then all the animals depending upon this food source will die. Further, it is important to remember that if we don't have enough natural forage, we will be highly critized if we don't provide additional hay and grain to feed an over abundent population.

In my opinion, I believe the passage of Senate Bill #457 is vital to managing these herds. The Bureau of Land Management should be given the authority to select the younger animals for the adoption program with the older, unadoptable animals being sold at public auction. The younger horses will have the greatest chance of adjusting to domestic life.

If Senate Bill #457 does not become law in the very near future, we may be put in the position of having to expend funds to feed these wild horse herds when natural forage is no longer available to them. In this economy, I believe we would receive strong criticism from the public if our Government is required to spend, unnecessarily, taxpayer's money to feed wild animals when many people in this country are going hungry.

Attached to this testimony is a letter from the Virginia State Appaloosa Assn. endorsing the passage of Senate Bill #457.

VIRGINIA STATE APPALOOSA HORSE ASSOCIATION, INC.

William Houchin
President

March 13, 1983

Mrs. Alicia E. Payne
Robaleed Appaloosas
12328 Lawyers Road
Herndon, Virginia 22071

Dear Alicia:

This letter is to advise you that the Virginia State Appaloosa Horse Association is in support of Senate Bill #457 providing additional management authority and sales authority for Wild Horses and Burros.

We are authorizing you to represent our position in Congressional testimony related to this issue.

Sincerely,

William H. Houchin

William H. Houchin
President

Rollins Fork, Virginia 22544

Clifton
Horse
Society

8 April 1983

Alicia Payne
12328 Lawyers Road
Herndon, Virginia 22070

Dear Mrs. Payne,

This is to advise you that the Clifton Horse Society is in support of S. 457, which provides for added management and sales authority related to Wild Horse and Burro Act PL 92195.

We hereby authorize you to represent our organization in congressional testimony related to this issue.

Sincerely,

Paul F. Semmler
President

CLIFTON HORSE SOCIETY, LTD., P.O. BOX 183, CLIFTON, VIRGINIA 22024.

TO: SENATOR JAMES McCLURE and SENATOR MALCOLM WALLOP
RE: SENATE Bill #457 amending the Wild Horse & Burro Act PL 92-195
DATE: April 11, 1983
FROM: ALAN E. PAYNE, Herndon, Virginia

TESTIMONY OF ALAN E. PAYNE

My name is Alan E. Payne. I am a 20 year old student, working my way through college. My family and I breed and raise Appaloosa horses. I do the majority of the breaking, training and showing of our stock, as well as break horses for other people.
I am also a former 4-Her, having been enrolled in the horse project area since I was 8 years old. I have been riding since I was 5 years old. As a 4-Her, some of the positions I have held, were: historian and president of my 4-H club for 2 years; president of the Fairfax County 4-H Horse Council for 2 years; Western Superintendent of the Fairfax County 4-H Fair; represented the State of Virginia at the Southern Regional Horse Championship in Louisiana; receipient of the 4-H horse medal, Fairfax County 4-H leadership award, Fairfax County Good Sportmanship Award. I was a Fairfax County Honor Club member and am a Virginia 4-H All Star.

Many young people in our area save money they have earned to purchase their first horse. Many of these same young people have to earn the money to pay for the horse's upkeep as well. It is becoming increasingly difficult for these young people to purchase horses at a price they can afford. I would like to recommend that with the passage of Senate Bill #457 that the adoption fee be kept low and more adoption centers be located here in the East. It would give more young people an opportunity to own a horse and benefit from the relationship that horse ownership offers.

Our 4-H program here in Fairfax County, has greatly diminished in the horse project area. Although there are other factors beside cost, I believe this initial first step is a major one. If we could make these young wild horses more available to our youth, I believe that they too would benefit as much I and many other young people I have known who have had horses.

As a trainer, I would also like to see that the older horses not be put up for adoption. I have had experience with working with untrained horses 6 years and above, and they are very difficult to train and can be dangerous. I believe the general public would have the greatest success in training the young stock for domestic use. These older horses that are not suitable for domesticity should be sold at auction and the funds generated by their sale returned to the management program of the wild horse herds.

I believe that my involvement with horses has given me invaluable self-confidence, insight to problem solving and if nothing else, has taught me responsibility. My years in working with horses and my involvement in the 4-H Horse Project will influence me, I am sure, for the rest of my life. I would like to see other young people have the same opportunities I have had. I, therefore, ask that Senate Bill #457 be enacted.

Senator WALLOP. Thank you very much.

Mr. Wayne Marteney?

STATEMENT OF WAYNE S. MARTENEY, PRESIDENT, NEVADA CATTLEMEN'S ASSOCIATION, ELKO, NEV.

Mr. MARTENEY. Yes; for the record my name is Wayne Marteney, I am president of the Nevada Cattlemen's Association. I am making the following statement on behalf of the Nevada Cattlemen's Association, the Nevada Land Action Association, the Nevada Wool Growers, and the National Public Lands Council.

I am a lifetime rancher in the Western States, and I am now located out of Elko, Nev. I have been a resident rancher within the State of Nevada for 25 years.

I also wish to point out to the committee very clearly that the Nevada Cattlemen's Association and the other organizations I am representing in this statement are not trying for the complete elimination of the wild horse.

We will work for the continued protection of a reasonable number of these horses that can be managed in a realistic and efficient manner.

We support the amendment Public Law 94-195 proposed in the bill being heard today. I would like to state there is a mistake in typing here. That should be—the next figure should be S. 457, and that follows through on the complete statement.

As you may already know, Nevada has by far the largest population of wild horses found in any State in the Union.

Although the Nevada BLM indicates that there are approximately 26,000 wild horses, we are certain that a more realistic estimate would be well over 43,000.

From our experience out on the rangelands, we have consistently found the BLM counts to be underestimated. A recently completed study conducted by the Department of Ecology and Behavioral Biology of the University of Minnesota supports our belief that the BLM counts are low.

The University of Minnesota study indicated that wild horse census actually varied from the 40 to 90 percentile, influenced mainly by the type of terrain where the wild horse is found.

The study also gave credence to the census' knowledge of the area to improve the accuracy of their count. Again, we suggest that this may indicate that those who spend considerable time on the rangeland may provide the most realistic estimate of the actual number of wild horses on their allotment.

Regardless of the method, there are too many wild horses and burros now ranging the Western States. We feel the amendment exempting section 10 of 94-195 in S. 457 is very badly needed and are in the best interests of the general public.

Since 1971 when the Wild Horse and Burro Act was passed these animals have gone virtually unmanaged. We feel this lack of management is partly the blame of the BLM, of legal actions taken against them, and of the threat of legal actions brought by certain wild horse protection groups.

Regardless of who is to blame, the wild horse population has mushroomed since this act was passed, putting excessive grazing pressure on many areas of our public rangeland.

Ranchers who make their living from use of the rangeland and who must look toward the long-term renewable and continued use of the rangelands are becoming very discouraged and financially threatened.

We have had our livestock numbers tied to a specific level and time of use by our BLM permits. Some years, depending on range conditions, we have used less than our authorized use.

On the other hand, the wild horses have been allowed to increase to very excessive numbers, running year long in the same areas with virtually no controls.

Many of us have taken nonuse for cattle in order to keep the range from being destroyed, hoping that in the meantime the public and Congress would realize that something has to be done to correct the wild horse situation.

We cannot wait any longer. One provision of the proposed legislation would give sale authority to BLM for excess wild horses.

Presently, the only avenue the BLM has is to adopt out the excess and to destroy the unadoptable animals.

The gathering and adoption process has cost the American taxpayer in the neighborhood of $400 per horse.

We cannot afford to pay these high costs. I think Congress realizes this. Budgets are being cut in nearly every department, and the Bureau of Land Management is no exception.

In fiscal year 1982 the BLM proposed to remove 10,164 wild horses and burros from the western ranges, and they only collected 9,360.

In fiscal year 1983 the BLM is proposing to collect only 6,300 wild horses and burros. And BLM's figures show that 58 percent or almost two-thirds of the wild horses and burros are located in Nevada, yet only 2,100 or one-third are supposed to be collected in the State.

So, the overall budget for wild horse and burro collection was cut this year by 38 percent. We urge Congress to enact the sale authority provisions of this legislation, so the more reliable funds will be available for the management of the wild horse and burro herds.

We will qualify this support by saying that we don't support the BLM getting into the horse business, thereby competing with private enterprise.

However, funds must be made available to reduce these horse herds to reasonable levels, and to provide for proper management once they reach these levels.

Giving sale authority and putting the funds gathered through sale back into the wild horse and burro program would resolve the funding program.

Many Nevada groups have given similar——

The **Chairman** [presiding]. Mr. Marteney, I wonder if you could summarize——

Mr. **Marteney**. Yes, sir.

The **Chairman** [continuing]. In just 1 minute or so.

Mr. **Marteney**. Yes, I can.

The **Chairman**. The entire statement is a part of the record.

Mr. **Marteney**. Yes, sir. Just the other day I was in the legislature and appeared on the bill that we have in that I am making a part of this statement, where we passed in Nevada with a "Do pass" bill.

And the closing statement, I did want to mention the fact that we would like to see it go back to the management level of 1971.

And in closing I think we are going to have to quit loving these horses to death. Thank you very much.

The **Chairman**. Thank you very much, Mr. Marteney.

[The prepared statement of Mr. Marteney follows:]

STATEMENT OF WAYNE S. MARTENEY
PRESIDENT OF THE NEVADA CATTLEMEN'S ASSOCIATION
APRIL 11, 1983
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

INTRODUCTION

For the record, I am Wayne S. Marteney, President of the Nevada Cattlemen's Association. I am making the following statement on behalf of the Nevada Cattlemen's Association, the Nevada Land Action Association, Nevada Wool Growers, and National Public Lands Council. I am a lifetime rancher in the Western States and am now located out of Elko, Nevada. I have been a resident rancher within the State of Nevada for 25 years.

I also wish to point out very clearly that the Nevada Cattlemen's Association and the other organizations I am representing in this statement are not trying for the complete elimination of the wild horse. We will work for the continued protection of a reasonable number of horses that can be managed in a realistic and efficient manner.

We support the amendment to PL 94-195 proposed in the bill being heard today, S.1116.

As you may already know, Nevada has by far the largest population of "wild horses" found in any state in the union. Although the Nevada BLM indicates there are approximately 26,000 wild horses, we are certain that a more realistic estimate would be over 43,000. From our experience out on the rangelands, we have consistently found the BLM counts to be underestimated. A recently completed study conducted by the Department of Ecology and Behavioral Biology of the University of Minnesota supports our belief that the BLM counts are low. The University of Minnesota study indicated that wild horse census accuracy varied from the 40 to 90 percentile influenced mainly by the type of terrain where the wild horses are found. The study also gave credence to the censusers' knowledge of the area to improve the accuracy of their count. Again, we suggest that this may indicate that those who spend considerable time on the rangeland may provide the most realistic estimate of the actual number of wild horses on their allotment. Regardless of the method, there are too many wild horses and burros now ranging the Western States.

We feel the amendments proposed for PL 94-195, in S.1116, are badly needed and are in the best interests of the general public. Since 1971 when the Wild Horse and Burro Act was passed, these animals have gone virtually unmanaged. We feel this lack of management is partly the blame of the BLM, of legal actions, and of the threat of legal actions brought by certain wild horse protection groups. Regardless of who is to blame, the wild horse population has mushroomed since this act was passed, putting excessive grazing pressure on many areas of our public rangeland. Ranchers who make their living from use of the rangelands and who must look toward the long-term renewable and continued use of the rangelands are becoming discouraged and financially threatened.

We have had our livestock numbers tied to a specified level and time of use by our BLM permits. Some years, depending on range conditions, we have used less than our authorized use. On the other hand, the wild horses have been allowed to increase to excessive numbers, running year-long in some areas, with virtually no controls. Many of us have taken non-use for cattle in order to keep the range from being destroyed, hoping that in the meantime the public and Congress would realize that something had to be done to correct the wild horse situation. We can't wait any longer.

One provision of the proposed legislation would give sale authority to the BLM for excess wild horses. Presently the only avenue the BLM has is to adopt out the excess and to destroy the unadoptable animals. The gathering and adoption process has cost the American taxpayer in the neighborhood of $400 per horse. We cannot afford to pay these high costs, and I think Congress realizes this. Budgets are being cut in nearly every department, and the Bureau of Land Management is no exception. In FY 82 the BLM proposed to remove 10,164 wild horses and burros from the western ranges, and only collected 9,360. In FY 83 the BLM is proposing to collect only 6,300 wild horses and burros. The BLM's figures show that 58 percent, or almost two-thirds, of the wild horses and burros are located in Nevada--yet only 2,100, or one-third, are proposed to be collected in the state. So the overall budget for wild horse and burro collections was cut this year by 38 percent. We urge Congress to enact the sale authority provisions of this legislation so that more reliable funds will be available for the management of the wild horse and burro herds. We will qualify this support by saying that we would not support the BLM's getting into the horse business thereby competing with private enterprise. However, funds must be made available to reduce these horse herds to reasonable levels and to provide for proper management once they've reached these levels. Giving sale authority and putting the funds gathered through sale back into the Wild Horse and Burro Program would resolve the funding problem.

Many Nevada groups have given similar support for amendments to the Wild Horse and Burro Act. Just two weeks ago I testified on a senate resolution at our state legislature which encouraged Congress to take action as proposed in S.1116. The resolution was recommended "do pass", and I've attached a copy to this testimony. Our State Multiple Use Advisory Committee on public land, which is comprised of representatives of all public lands users, has adopted a similar resolution. Nevada wildlife and range management organizations have encouraged the same. So, as you can see, we do not stand alone in our concerns of the abuse of the public rangelands by excessive wild horses and burros.

It has gotten to the point now where wildlife are fewer because of the tramped out watering holes, and the complete devastation of the range in certain areas where there is absolutely nothing left. Even the bark on the pinion trees has been eaten. This act alone should be taken into consideration. I have personally observed an area south of Hawthorne, Nevada called the Marietta Allotment where the burros have actually completely destroyed any vegetation that was on the range. They have completely eaten themselves out of house and home--and this was a range that formerly carried a number of livestock and wildlife.

In summary, I would urge Congress to take quick action to adopt the provisions in S.1116. Unless something is done soon, irreparable damage will be caused to our natural resource base, the wild horses themselves will suffer, and the ranchers with wild horses on their allotments will be forced out of business. The ranchers have already shouldered more than their share of the burden due to the uncontrolled wild horse and burro populations; and now I would hope that the public, including the wild horse activists and Congress, will act in a responsible fashion to correct the problems that were created by the Wild Horse and Burro Act.

Attachment

Wild Horses

A. J. R. 17

ASSEMBLY JOINT RESOLUTION NO. 17—COMMITTEE ON NATURAL RESOURCES, ENVIRONMENT AND AGRICULTURE

MARCH 14, 1983

Referred to Committee on Natural Resources, Environment and Agriculture

SUMMARY—Urges Congress to provide strict control of wild horses and burros. (BDR 1722)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to enact legislation which increases controls on the number of wild horses and burros and which authorizes additional methods of removing the animals from public lands.

WHEREAS, The Wild Free-roaming Horses and Burros Act of 1971, 16 U.S.C. §§ 1331 et seq., protects wild horses and burros from destruction, caputure or sale by any person or governmental entity except when authorized by the Secretary of the Interior or the Secretary of Agriculture in connection with public lands administered by the Bureau of Land Management and the Forest Service; and

WHEREAS, The Wild Free-roaming Horses and Burros Act has been overly successful and has allowed once-threatened populations of wild horses and burros in Nevada to increase to the extent that approximately 40,000 wild horses and 2,000 wild burros currently inhabit public lands in this state; and

WHEREAS, The populations of wild horses and burros are increasing at an annual rate between 12 and 18 percent and will, absent stronger measures to control their numbers, double in the next 5 years; and

WHEREAS, The Wild Free-roaming Horses and Burros Act requires the Secretary of the Interior and the Secretary of Agriculture to manage the wild horse and burro populations in a manner that protects the natural ecological balance of all species of wildlife inhabiting the public lands; and

WHEREAS, Wild horses and burros are already so numerous that they are destroying the habitat used by other species of wildlife; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada,

over →

jointly, That the legislature of the State of Nevada strongly urges the Congress of the United States to enact legislation which:

1. Requires the Secretary of the Interior and the Secretary of Agriculture to control strictly the populations of wild horses and burros on public lands; and

2. Authorizes additional or more effective methods for the capture, sale, donation, transfer or other removal of wild horses and burros from public lands in Nevada;

and be it further

Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management and each member of the the Nevada congressional delegation; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

The CHAIRMAN. I particularly want to welcome Heather Smith Thomas who has written widely on this subject.

You may proceed.

STATEMENT OF HEATHER SMITH THOMAS, SALMON, IDAHO

Ms. THOMAS. Thank you. I am a horseman and writer from Salmon, Idaho. I have raised horses for 30 years, and written about them for 25 years on health care, breeding, training, biology, and psychology of the horse.

I have written 850 magazine articles for 109 publications, 5 books about horses, including my book, "The Wild Horse Controversy."

The Wild Horse and Burro Act of 1971 set new precedents and gave BLM new responsibilities, yet it failed to give them the tools or the means to handle these responsibilities, and limited the options for managing ferile herds.

The law solved the problem of protection, but created new problems. Horse numbers began to increase in some range areas as much as 25 percent a year.

The horse has the capacity for dramatic herd increases, since mares bear foals nearly every year starting at age 2 or 3, producing offspring into the late teens or twenties.

By 1974 it was obvious control measures were needed, and BLM held roundups in the most critical areas, giving captured animals out for adoption.

Costs of early roundups were $800 to $1,000 per horse.

Concerned people thought the law should be changed, to allow use of aircraft and passage of title for adopted animals.

During 1976 seven bills to this effect were introduced in Congress. Use of helicopters was made legal, making roundups safer and cheaper.

But BLM was far behind in efforts to keep pace with increasing herds. The problem reached a crisis during 1977's drought. Horses on many western ranges starved or died of thirst.

Water holes dried up, and young horses were mired or trampled in the mud trying to drink. BLM dug out springs to develop water for the dying horses, and rescued stranded foals.

But a hard winter followed and more horses died. This was not the fate Americans wanted for wild horses. When the protection law was passed the primary concern was to stop inhumane abuses.

Few people knew what rates of increase would be. The Wild Horse Act was a learning process; trial and error, with revisions along the way to make it work.

A change in 1978 allowed adopters to gain title, encouraging more people to adopt horses and burros.

The program became more expensive. In 1974, $400,000 was budgeted for wild horses. By 1981 BLM requested $6.7 million, costs that would keep rising because BLM wasn't keeping up with expanding numbers, and there was no way to gain revenue from the horses.

Adoption demand became saturated around local gathering areas, so BLM created adoption centers transporting horses farther away where there were more people to take them.

Many unadoptables had been held a long time in corrals. With budget cuts, the mushrooming horse program could not continue.

Two years ago BLM was told to cut costs and charge adoption fees to cover the price to round up and handle an animal until adoption.

A compromise was reached, which was $200 per horse and $75 per burro. These fees decreased adoption demand, so the BLM lowered it.

Yet this doesn't solve the problem of what to do with unadoptables, nor the problem of funding. So now we are reevaluating the wild horse law, realizing it must be amended again to allow sale of unadoptable animals.

Otherwise, if there is not enough money for roundups, and since BLM is committed by law to maintain a healthy range, reductions may have to be done by shooting excess animals on the range, as mandated by the wild horse law in its present form.

This is a waste, and it's not humane. When the law was passed numbers like we have today were not foreseen by the lawmakers. They didn't envision the possibility of having to destroy 25,000 animals.

Some people are opposed to sale, opposed to population control, arguing with BLM's number estimates. They are saying, "Let nature take care of numbers." But they haven't seen the destruction of range and horses when too many compete for dwindling feed on a limited range area.

The horse population has fluctuated many times in the times when numbers were high were not good times for the horses.

Overpopulation in northern Nevada and southern Idaho in 1932 killed thousands of horses on the Owhyee desert.

One canyon floor was entirely covered with carcasses in the spring, and for years after the ground was littered with horse bones. One oldtimer living in the Owhyee River canyon in the winter of 1936 recalls:

> Snow was deep everywhere, and wild horses had nothing to eat. After gnawing the mane and tail hair off each other, they tried to reach a few blades of grass protruding out of broken rocks at the edge of the cliff. Sometimes they would slip and fall. They screamed just like a human while plunging to their death.

Nature is heartless. Humane groups would arrest anyone starving his own animal.

As Americans we don't want to treat our wild horses and burros that way. They deserve life on a healthy range, or cared for by someone who wants them or swift and humane death, their bodies put to beneficial use.

They shouldn't waste away, dying by inches, because of insensitivity to their plight or reluctance to face reality.

They are out there only because of man, harking back to domestic animals. We are responsible for their welfare. Mass starvation and range destruction is not an acceptable management method, nor is shooting.

The Wild Horse Act has been changed before to make it feasible, and it must be changed again to allow the sale of excess unadoptable animals.

The CHAIRMAN. Thank you very much. The articles that you enclosed with your statement will be made part of the file.

Ms. THOMAS. Thank you.

[The prepared statement of Ms. Thomas follows:]

HEATHER SMITH THOMAS
BOX 215
SALMON, IDAHO 83467
(208) 756-2841

April 1, 1983

Senator McClure:

I am a rancher and writer from Salmon, Idaho, raising cattle and horses. If I were asked to name or describe my profession, I would say that it primarily involves livestock health care. My husband and I do all of our own veterinary work except for major surgery. I have raised and trained horses for 30 years, and have been writing about them nearly that same length of time. As a serious student of the horse, most of my writing has dealt with breeding, training, horse health and veterinary concerns, and so on. The biology and psychology of the horse have been my most abiding interest. I have written more than 880 magazine articles for 109 different publications, and have written 5 books about horses.

I became involved with the wild horse situation early on, and watched the developments after passage of PL 92-195 with interest and concern. I began writing a few magazine articles on the wild horse issue about 9 years ago. But it was difficult to do justice to such a large and complex subject in short articles and so finally I wrote my book *The Wild Horse Controversy*, after a very great deal of research.

The Wild, Free-Roaming Horses and Burros Act, which today we are looking at in terms of amending, was a unique kind of law. It set new precedents, and also gave BLM and FS some entirely new responsibilities. Yet it failed, at the outset, to give them the tools, the means, or the manpower to handle these responsibilities. The law itself also limited some of the options for management of the feral herds.

The history of the feral equine in our country, and of the efforts to protect and to manage him, has been very complex. I am enclosing two of my recent articles--one in a horse magazine and one from my alumni newspaper--which highlight this history and show the development of our present wild horse situation.

Horse numbers had fluctuated many times during the past two centuries, but reached their lowest ebb in the 1950's and 1960's when commercial mustanging was taking a heavy toll on numbers. During those two decades, public concern grew for protecting the animals. The first protective legislation enacted was the Wild Horse Annie Act in 1959, prohibiting use of aircraft and motorized vehicles for capturing wild horses. Yet some illegal roundups continued, and efforts to protect the horses intensified. The BLM began to acknowledge the public's growing interest in the horses and began to change its policy to include wild horses in allocations for multiple use of public lands.

But because ownership of the horses rested with the separate states under state estray laws, the BLM lacked jurisdiction to provide a comprehensive program of protection or control for the wild bands. The horse was in political limbo. Not being a native wildlife species, he could not be protected as wildlife. Technically, he was stray livestock. But because he had escaped human control and was unclaimed, he did not fall under livestock regulations for grazing.

For several years the wild horse's status was uncertain. But public interest continued to mount, and the feeling grew that these animals belonged to all Americans, not just to the people whose lands they inhabit, nor to those who turned them out on the range in the first place. There came a strong push for changing the responsibility for the horses from the state and local agencies to the federal government, and in December of 1971 Public Law 92-195 was signed by President Nixon, giving the horses special classification as a "heritage" animal, with federal protection. At that time, BLM estimated horse numbers at about 17,000.

Yet as time passed, it became evident that the law--while solving the problem of protection for the horses--had created some new problems. The protection worked. Horse numbers that had dwindled so rapidly under heavy mustanging pressure began again to increase. In some range areas herds were multiplying as much as 25% per year. For the first time in the history of the West, feral horses had NO controls. Always before, there had been a certain amount of harvest by man; even in years of poor horse prices some ranchers gathered the offspring of their own range horses, which helped keep the populations somewhat in check. The horse has the capacity for fairly dramatic herd increases, since mares will bear foals nearly every year, producing offspring into their late teens or twenties.

It took several years for the BLM and FS to "gear up" to their new responsibilities; few management attempts were made until after working out the environmental impact statements and the federal regulations for enforcing the Act. In 1973 $100,000 was budgeted by the BLM for wild horses (actual costs that year were over $400,000) which included operation of the advisory board, field surveillance, investigation of reported violations of the Act, initial population inventories, and management of the Pryor Mountain Wild Horse Range. In 1974, ten new positions were created in the BLM for wild horse and burro work. The BLM and FS were to be the custodians and managers of the wild herds, the BLM bearing the brunt of the task since most of the horses ranged on BLM lands.

By 1974 it had become evident that some control measures would have to be instituted along with protection, and the BLM began, on a small scale, some horse roundups in the most critical areas. The captured horses were given out for adoption to private individuals, sinde the 1971 Act prohibited sale of the animals. But the horse management program was slow in starting, and in some range areas horse numbers had already increased significantly. As of May 1975, there were over 49,000 horses and more than 5000 burros inventoried on public lands, after BLM removed 205 excess animals and 2,240 privately owned claimed horses which were returned to their owners. In January 1974 Nevada had 20,000 horses; by the end of that year there were 25,000. Oregon had 2925 horses in 1971 when the wild horse Act was passed; by the spring of 1975 these had increased to 6928. The herd near Challis, Idaho had 156 horses in 1971; by 1975 there were 450. The BLM management attempts were not keeping pace with the increases, and in some range areas (like at Challis) no herd reductions had yet been undertaken.

Many concerned individuals and organizations felt that the protection law should be modified to allow use of aircraft in wild horse management and to allow passage of title to the excess adopted horses, but for several years no such legislation was introduced. Part of the problem was that some wild horse protectionists were afraid that if use of aircraft were allowed, the BLM and FS would be deluged with claims for most of the animals. Their fears did not take into consideration the fact that ever increasing trespass charges on claimed animals were mounting as time went on, and that most people could not afford to claim the horses. Finally, however, in October of 1976, the use of helicopters for managing the animals was made legal. This greatly improved the BLM and FS roundup methods, but still the agencies were far behind in their efforts to keep pace with increasing herd numbers.

The problem reached crisis proportions in 1977-78 when a two year drought reduced water and forage on many western ranges. Horses in Nevada, Oregon, Idaho and other areas starved or died of thirst. On some ranges BLM stepped up reduction programs in an attempt to save some of the surviving animals from a similar fate.

Water holes in Nevada dried to mere bogs, and many young horses and foals were mired and stranded in the mud trying to get a drink, or were trampled down into the mud by older horses. BLM dug out some of the springs to try to develop water for the dying horses, and rescued many stranded foals. But a hard winter followed summer's drought and many horses, weakened by lack of feed, didn't survive. More than 270 dead horses were found in the Buffalo Hills area near Winnemucca, Nevada, and there were heavy losses in other places as well.

This was not the fate Americans had in mind for wild horses when they cheered the 1971 protection law. When the law was passed, the primary concern was to stop inhumane abuses and protect the horses; few people knew what wild horse rates of increase would be under complete protection. The BLM had never managed animals before; their job had been land management, care of habitat, watershed and forage. The wild horse Act had to be a learning process for the American people, and for the BLM as a management agency, for it set policy in an entirely new and uncharted area. It even set a new precedent for federal jurisdiction (rather than traditional state jurisdiction) over wild animals, opening a Pandora's box of questions over states' rights--even though the feral horse was not a wild animal but a stray domestic one. As with most novel undertakings, there had to be a time of trial and error, with some rethinking and revisions along the way to make it workable. The BLM had to become knowledgable about wild horses and how to handle and manage them. The Bureau had to train or hire people who could effectively and humanely gather horses. Studies had to be done, facilities built.

The protection law had to be rethought and modified also; emphasis had to change from primarily that of protection to now include management and control of numbers. Modifications were made in the law in 1976 to allow use of helicopters in roundups, making the gatherings safer, more humane and more cost-efficient than the first hectic horseback roundups that required many men and sometimes resulted in injury to men or horses. A helicopter can move in on the horses being gathered, at a slow speed, and reduce the danger to people taking part in the roundup. Wild horses tend to run faster and harder when pursued by horsemen than they do when being gently hazed along by aircraft. Another change in the law in 1978 allowed adopters to gain title to their animals after one year, encouraging more people to adopt the excess horses and burros removed from public land. Before that, many people were reluctant to provide homes for animals they could never own.

As the BLM took on the new task of feral horse management, doing studies on horse habits, taking herd inventories, building capture and holding facilities, and hiring more people, the horse program became increasingly expensive. In 1974, $400,000 was budgeted for wild horses. By 1981 the BLM was requesting 6.7 million dollars for wild horse management, and these were costs that would only continue to go up, because of several factors. The BLM was not keeping pace with expanding herd numbers (in some areas this was due to court suits to halt roundups--suits initiated by humane groups), there was no way to realize any revenue from the horses to help pay for the program, and the adoption program itself was becoming more costly to operate. Since adoption demand was becoming saturated around local gathering areas, the BLM was having to create adoption centers farther away, transporting horses into areas where there would be people willing to take them. According to the 1971 law, the only way to dispose of excess animals is through adoption or destruction, and BLM has been sensitive on the latter, using it only as a last resort, because of public feeling and a number of lawsuits. But as a result, many "unadoptable" horses have been held for great lengths of time in corrals. In January of this year, BLM was feeding over 1400 horses in corrals, at a cost of $2600 per day. This is a cost that can only increase under the present situation, as more horses need to be gathered, yet the percentage of "unadoptables" rises.

The BLM has been caught between a rock and a hard place. Since the options for excess animals are adoption or destruction, roundups over the last several years have sorted out the most adoptable animals, and often the unadoptable ones have been turned back on the range--the older mares and stallions, horses with poor conformation, the ones that would be difficult to handle or train. Thus the total percent of this type of "unadoptable" animal is increasing. It would be much better if roundups could take out an "across the board" selection of horses, of all ages and types, adopting the young ones and the better animals and selling the unadoptables instead of destroying them, or turning them back out on the range, or holding them for indefinite periods of time in corrals at great cost.

Over the past 11 years of trying to administer PL 92-195, the BLM has been harshly criticized on several fronts. But most of the problems have been due to inadequacies in the Act itself rather than the BLM's failure to administer it. These problems and inadequacies are being slowly worked out; every change that has been made to amend the Act has made it more workable. We've been moving in the right direction, and the BLM is now able to manage the horses with more knowledge and experience, more practical methods. The BLM had to feel its way along, removing excess horses while yet working within the constraints of PL 92-195, and has managed to place more than 35,000 animals for adoption..

The adoption program, for all its shortcomings, is to be commended. It grew out of necessity--the necessity of having to manage the horse numbers even though the original law gave very little guidance on this point. It has been a valient attempt, on the part of the BLM, to comply with the spirit of the law, managing horse numbers in a humane way that enables the American people to take part in the process and provide homes for excess animals. We all have a stake in the welfare of these "heritage" animals, and anyone should have a chance to participate in the wild horse situation. The adoption program satisfies this desire for those who would like to provide a home for a wild horse or burro.

The adoption program very definitely should be continued. But it now needs to be strengthened and augmented by allowing the BLM and FS to sell the excess animals that are unadoptable--assuring continuance of the program while resolving the problem of what to do with the growing number of unadoptables that must also be removed from public lands in order to keep numbers in balance with feed and habitat.

At a time of inflation and with the necessity for budget-cutting in government, the mushrooming horse program as we know it today cannot continue. Two years ago the BLM was told to cut costs and make the program more economically sound. The budget appropriations committee took a look at how the taxpayers were subsidizing the adoption program and demanded an adoption fee of $535 per head, which is the price it usually costs BLM to rouhd up and handle these animals until adoption. The BLM Director balked at this high fee, realizing it would bring the adoption program to a halt, so a compromised was reached.

In an effort to help meet expenses, the BLM in June of 1981 announced there would be an adoption fee of $200 per horse and $75 per burro (plus transportation costs) to go into effect in October 1981. But this announcement raised protests from concerned people interested in the welfare of the horses, for they felt this would reduce adoption demand, leaving only the unacceptable alternative of destroying excess horses. Indeed, by October the requests for animals by potential adopters had dropped significantly. After discussions with concerned horse groups, the BLM is lowering the fee to $125.

So now we are entering another phase of re-evaluation, realizing that the horse protection law must be amended yet again to make it workable. The BLM and many concerned horse lovers have come to the conclusion that the only solution to the present problem is to change the law to allow sale of unadoptable animals.

Though sale of excess horses and burros has always been repugnant to dedicated wild horse protectionists, the current problems have led to much rethinking on this issue. When the alternative is destruction (and this may mean death by shooting, out on the range), sale of excess animals deserves a serious second look. When there is not enough adoption demand, roundups will cease. And they may cease even sooner than that if there is not enough money in the budget to conduct the roundups.

And since the BLM and FS are committed by law to maintain a healthy habitat and range resource, wild horse reductions may have to be carried out through shooting of excess animals--a course the management agencies may have to reluctantly pursue as their legal duty to protect the range, and as mandated by the wild horse and burro Act in its present form. This is not only a terrible waste of a valuable resource (the horses and burros) but is not humane.

People who have witnessed this type of animal reduction are hoping some other solution will be found. One retired BLM manager, recalling his involvement in the government horse destroying program in the 1940's in Nevada, is adamant about wanting the law changed so horses can be sold, not destroyed. While he was a district manager in northern Nevada, the BLM entered a contract for killing 200 horses. The ears of the horses were brought to him to count and verify for bounty payment. Being a horse lover, this type of program greatly bothered him and he felt it was "a complete waste of something useful".

Controlling wild horse and burro numbers by shooting excess animals would never be acceptable today. Another alternative must be found, and selling these animals seems the most feasible. At the time PL 92-195 was passed, excess horses and burros like we have now were not foreseen by the lawmakers. The portion of the law dealing with excess animals states that those for which an adoption demand does not exist must be destroyed in the most humane and cost-efficient manner possible. But the drafters of the law did not envision the possibility of having to destroy 25,000 to 50,000 animals. How much better it would be to sell them and let them serve a useful purpose!

Yet there are some people still opposed to sale of these animals, and opposed to any population controls, for that matter. They're saying, "Why can't we just leave the horses alone? Let them live unmolested on federal land and let Nature take care of their numbers." But the people who want the horses "left alone" have not seen first hand the destruction of range and habitat, nor of the horses themselves when too many animals compete for dwindling food or water sources.

A point that needs to be made is that the feral horse population has fluctuated many times in the past, and that the times when numbers were high weren't necessarily good or healthy times for the horses. For instance, an overpopulation in northern Nevada and southern Idaho in 1932, combined with a hard winter, killed thousands of horses on the Owyhee desert. Horses were seen eating each other's manes and tails after they had chewed the sagebrush down to stumps. In one canyon off the Owyhee River, the entire canyon floor was covered with horse carcasses in the spring, and for many years afterward the ground was covered with horse bones.

The problem was still serious a few years later. One old-timer recalls: "I was living in the bottom of the Owyhee River Canyon the winter of 1936. Rock cliffs rose 600 feet on both sides of the river. The snow was deep everywhere and the wild horses had nothing to eat.

After gnawing the mane and tail hair off of each other, they had attempted to reach the few blades of grass that protruded out of thebroken rocks at the edge of the cliffs. Sometimes they would slip and fall. They scream just like a human while plunging to their death."

Nature is heartless. She doesn't care if part of the herd dies during a hard winter, succumbing to slow, agonizing starvation, gnawing on trees and roots and each others' manes and tails before they die. Most humane groups would arrest any person that treated his own animals that way, starving them to death.

As Americans, we DON'T want to treat OUR free roaming horses and burros that way. They deserve a decent life on a healthy range with adequate forage, or cared for by a person that wants them, or barring that possibility--a swift and humane death, their bodies put to beneficial use. They do NOT deserve to waste away from starvation and die by inches on a neglected range just because of man's insensitivity to their plight or his reluctance to face reality.

Those horses are out there only because of man, harking back to domestic horses turned loose in recent or early times. Man is therefore responsible for their welfare. We have to take that responsibility seriously. Letting "nature take its course" is not only a cop-out, but also amounts to criminal abuse of our rangelands (and thus the native wildlife and domestic livestock that also depend on that range) and of the horses themselves.

No matter what the actual population rates of increase are (and they vary a great deal on a herd-by-herd basis because range areas are different in their conditions), most of the herds do increase significantly without some kind of management and numbers control. Thus we have to manage wild horses, if we don't want to repeat some of the abuses of the past. Mass starvation and range destruction is not an acceptable management method. The wild horse Act has been changed before, to make it more workable, and it must be changed again—to allow sale of excess unadoptable animals. Selling excess horses at public auction has been done successfully for the last ten years by the U.S. Fish and Wildlife Service, whose lands do not fall under PL 92-195.

Amending the wild horse law to allow excess unadoptable animals on BLM and FS lands to be sold would help pay for the adoption program, allowing these agencies to continue to round up horses instead of shooting them on the range. I am very strongly in favor of the amendment we're discussing today, giving sale authority to BLM and FS; it would help make the law more workable, more humane, and more nearly fulfill the intent for which it was passed in the first place—to ensure the continuance of healthy herds of wild horses and burros for future generations of Americans to enjoy.

The CHAIRMAN. Mr. Fallini, your entire statement will be placed in the record. The appended materials that are attached with it, submitted with it will be made part of our file.

Mr. FALLINI. Thank you.

STATEMENT OF JOSEPH B. FALLINI, JR., PUBLIC LANDS CHAIRMAN, NEVADA CATTLEMEN'S ASSOCIATION, TONOPAH, NEV.

Mr. FALLINI. My name is Joe Fallini. I reside at the Twin Springs Ranch in Nye County, Nev. I am the public lands chairman of the Nevada Cattlemen's Association. And in that capacity I have received many, many calls from fellow ranchers, trying to ask and find answers to the Wild Free-Roaming Horse and Burro Act.

Now I am going to portray my own ranch, showing the devastation that can actually happen to one of these.

The Twin Springs Ranch commenced prior to 1900, from the period between 1900 and 1969 over 21 separate purchases were made.

The last three purchases on this ranch totaled in excess of $325,000. The Twin Springs Ranch also has approximately 20 wells, 24 corrals, 17 reservoirs, 43 miles of pipe, 49 miles of ditch, 57 springs to maintain and over 21,000 foot of tunnels.

All these improvements have been put in by the Twin Springs Ranch at a total cost of over $577,000. We also pay the Bureau of Land Management every year in excess of $50,000.

We just went through an estate proceeding, and Internal Revenue Service, before we got done with that, cost us over $400,000.

Now a lot of these people say we don't have a range right out there, but, boy, we sure dearly paid for it if we don't.

I would like to show another map to you, and this here is our particular allotment. In 1971, the area within the yellow line was the horse-use area. Now this was my line.

And the Bureau had records of this. This turned up missing in the Bureau of Land Management files. All these overlays that I am showing you from now on are Bureau of Land Management counts.

And this was made in 1973 when the horses went from 126 head to 260 head. BLM made another count in 1974. They went to 421 head.

They made another count, a partial count in 1975 in Otter Valley, and they found in Otter Valley there was 254 head extra.

They made another count in 1978. We turned up with 737 head. In 1980 there was another count made by the Bureau of Land Management. We turned up 1682 head.

Then we finally got a little relief through some court action, there was 480 head taken off. And, again, in 1982 the BLM counted 1102 head.

Now you can see why the ranchers are concerned. The ranch has been completely devastated by these wild horses, and we're footing the expense. Now they are talking about us being subsidized, we're subsidizing the wild horse program.

On this particular ranch it costs us over $100,000 a year to produce water and over half of that water at this particular time is going to the wild, free-roaming horses.

A few other things that I would like to bring up here. After the passage of the 1971 act, we were denied access to our privately owned horses until 1974.

And then when the Bureau gave us authority to gather those horses, we were subject to a trespass fee, which would be demerits on our license, plus the fact the price of the horses that they wanted to charge us for trespass was well over the market value of the horses.

Now this is kind of strange, that they can come in and take private property this way. Over a 6-months period in 1977 we pulled out over 55 head of dead horses out of our springs on account of locoweed.

What had happened? The horses had migrated into new areas, and they got into a loco pattern, and the horses went berserk and they wouldn't back away from water, and every time they would come to water they would pollute the water sources.

Another thing that happened to our ranch. On May 19, 1976, the Fallini ranch found out, along with four other ranches surrounding them, that the Bureau of Land Management tried to make a wild horse range out of our ranches without even letting us know about it.

This here is kind of strange happenings. In 1971—OK, I will just summarize up here real quick. Things that I would like to see done with the act.

The Bureau of Land Management and the Forest Service must be given a clear mandate to manage the horses in an ecological balance under a multiple-use concept which restricts the horses to the December 15, 1971 era of use as spelled out in section 9 of Public Law 92-195.

We will not go along with section 10 of the new act. The Bureau of Land Management and the U.S. Forest Service must be given sale authority to take care of unadoptable horses, and that money put back into a self-supporting program to manage the horses, which would give relief of the burden to the ranchers, as well as the Federal Government.

One thing is certain. The Nevada ranchers should not bear the burden of subsidizing these wild horse programs to the extent that it breaks their economic unit.

We have not turned a profit on this ranch for 3 years on account of the horses. Thank you.

[The prepared statement of Mr. Fallini follows:]

MY NAME IS JOE B. FALLINI, JR. I RESIDE AT THE TWIN SPRINGS RANCH IN NYE COUNTY, NEVADA, APPROXIMATELY 60 MILES EAST OF TONOPAH. I AM PUBLIC LANDS CHAIRMAN OF THE NEVADA CATTLEMEN'S ASSOCIATION.

IN THAT CAPACITY, I HAVE RECENTLY RECEIVED MANY CALLS ON THE WILD HORSE DILEMMA FROM FELLOW RANCHERS THROUGHOUT THE STATE OF NEVADA.

IN ORDER TO PORTRAY THE DEVASTATION TO MY OWN RANCH AND TO OTHER NEVADA RANCHES CAUSED BY THE 1971 WILD HORSE ACT, I PRESENT THE FOLLOWING TESTIMONY.

THE TWIN SPRINGS RANCH COMMENCED PRIOR TO 1900. FROM THE PERIOD BETWEEN 1900 AND 1969, OVER TWENTY-ONE SEPARATE PURCHASES WERE MADE TO CREATE A SEPARATE ALLOTMENT FOR THE PURPOSE OF CATTLE GRAZING. THE LAST THREE PURCHASES TO THIS RANCH TOTALED OVER $325,000.00, AND IS NOW CALLED THE "REVEILLE ALLOTMENT," CONSISTING OF 663,000 ACRES OF PUBLIC DOMAIN AND APPROXIMATELY 2,000 ACRES OF DEEDED LAND SCATTERED THROUGHOUT THE ALLOTMENT.

THE TWIN SPRINGS RANCH INCLUDES APPROXIMATELY 20 WELLS, 24 CORRALS, 17 RESERVOIRS, 43 MILES OF PIPELINES, 49 MILES OF DITCH, 57 SPRINGS, AND OVER 2,100 FEET OF WATER TUNNELS. ALL THESE IMPROVEMENTS HAVE BEEN MADE AT THE EXPENSE OF THE TWIN SPRINGS RANCH AND TOTAL $577,000.00.

THE TWIN SPRINGS RANCH PURCHASED ALL OF THESE INTERESTS TO ESTABLISH A FAMILY OPERATION, AND NOT TO MAKE A WILD HORSE RANGE.

BEFORE THE PASSAGE OF THE WILD FREE-ROAMING HORSE AND BURRO ACT IN 1971, THE TWIN SPRINGS RANCH MANAGED THE WILD HORSES UNDER A PERMIT ISSUED BY THE NYE COUNTY COMMISSIONERS. WE HELD HORSES TO A DESIGNATED AREA AND TRIED TO KEEP THE NUMBERS UNDER 125 HEAD. THIS ENABLED THE

TWIN SPRINGS RANCH TO KEEP AN ECOLOGICAL BALANCE UNDER THE MULTIPLE-USE CONCEPT.

FROM 1971 TO 1978, THE FALLINI RANCH MADE EXTENSIVE INVENTORIES AND FOUND THAT THE HORSES INCREASED FROM 126 HEAD IN 1971 TO 1,096 HEAD IN 1978, WHICH REPRESENTED A 771% INCREASE. IN JANUARY OF 1979, WE ATTEMPTED TO MAKE AN AERIAL COUNT OF THE REVEILLE ALLOTMENT, BUT THE HORSE POPULATION WAS SO DENSE THAT THE INVENTORY COULD NOT BE TAKEN. THE BANDS OF WILD HORSES WERE RUNNING TOGETHER AND THERE WAS NO WAY OF COUNTING THE WILD HORSES IN THE AREA. DURING THIS PERIOD, AND DUE TO THE INCREASED NUMBERS, THE HORSES MIGRATED INTO AREAS WHERE THEY DID NOT EXIST PRIOR TO THE ENACTMENT OF PUBLIC LAW 92-195, WHICH WAS IN VIOLATION OF THE TERMS OF THE PREAMBLE AND OF SECTION 9 OF THE ACT; AND LATER, IN VIOLATION OF SECTION 2(6) OF PUBLIC LAW 95-514.

AFTER PASSAGE OF THE ACT, RANCHERS WERE DENIED ACCESS TO THEIR PRIVATELY-OWNED HORSES RUNNING ON THE PUBLIC DOMAIN UP UNTIL 1974. AT THAT TIME, THE RANCHERS WERE ALLOWED TO GATHER THEIR PRIVATELY-OWNED HORSES, SUBJECT TO A TRESPASS FEE, WHICH WAS FAR ABOVE THE MARKET VALUE OF THE HORSES. ADDITIONALLY, THE TRESPASS ACTIONS WERE DEMERITS AGAINST OUR GRAZING RIGHTS ON THE RANGE. ALL OUR DOMESTIC HORSES WERE EVENTUALLY FORFEITED.

THE PASSAGE OF THE ACT HAS HAD MANY DETRIMENTAL EFFECTS ON THE WATER DEVELOPMENTS AND THE GRAZING RIGHTS OF OUR ALLOTMENT. THE TWIN SPRINGS RANCH IS A WATER BASE UNIT, AND HAS TOTALLY SUBSIDIZED THE WATERING OF ALL THE WILD HORSES IN OUR ALLOTMENT WITHOUT JUST COMPENSATION FROM THE BUREAU OF LAND MANAGEMENT.

OVER A SIX-MONTH PERIOD IN 1977, OVER 55 HEAD OF DEAD WILD HORSES WERE REMOVED FROM THE TWIN SPRINGS RANCH WATER DEVELOPMENTS BECAUSE OF

LOCOWEED POISONING. LOCOWEED CREATES BRAIN DISTURBANCES WHICH PREVENT THE HORSES FROM HAVING THE ABILITY TO BACK AWAY FROM A WATER SOURCE AFTER DRINKING. THEY, THEREFORE, MOVE FORWARD INTO THE WATER HOLE UNTIL THEY DROWN THEMSELVES. WE HAD TO MAKE 100-MILE TRIPS EACH DAY TO PULL THE DEAD HORSES FROM THE WATER SOURCES IN ORDER TO PREVENT POLLUTION OF THE WATER SOURCES.

THE TWIN SPRINGS RANCH INITIATED NEW WATER DEVELOPMENTS IN DRY AREAS, BUT WERE DENIED AN ADDITIONAL 1,076 AUM'S BECAUSE THE BLM STATED THEY "MIGHT" NEED THEM FOR THE WILD HORSES. WE EXPENDED NEARLY $22,000.00 FOR IMPROVEMENTS TO OBTAIN THESE AUM'S.

IN NOVEMBER OF 1974, THE BLM CANCELLED OUR GRAZING RIGHTS FOR OUR PRIVATELY-OWNED HORSES. THEY STATED THAT THE WILD HORSES AND THE DOMESTIC HORSES COULD NOT ROAM TOGETHER.

ON MARCH 12, 1975, THE BUREAU OF LAND MANAGEMENT USED A FALSE AFFIDAVIT TO KICK THE THREE-JUDGE DECISION IN NEW MEXICO, WHICH TURNED THE HORSES BACK TO THE STATES, INTO THE SUPREME COURT.

IN JULY OF 1976, THE BUREAU OF LAND MANAGEMENT ENACTED A FULL FORCE AND EFFECT DOMESTIC LIVESTOCK EAR-TAGGING PROGRAM. IT WAS PUT INTO EFFECT SUPPOSEDLY FOR THE BETTERMENT OF WILD HORSES, BUT THE FALLINI RANCH FELT IT CONSTITUTED HARASSMENT.

THE FALLINI RANCH REFUSED TO EAR-TAG ITS ANIMALS. AT A HEARING ON JULY 14, 1976, GENE NODINE, A BUREAU OF LAND MANAGEMENT MANAGER, STATED THAT HE WOULD IMPOSE AN $800.00 A DAY FINE AND WOULD FURTHER SEEK TO HAVE ONE-HALF OF THE FALLINI GRAZING RIGHTS TERMINATED FOR THIS TRESPASS ON THE BASIS OF THE FALLINI FAILURE TO COMPLY WITH THE EAR-TAGGING PROGRAM BY THE REQUIRED DATE.

THE FALLINIS WERE FORCED TO EAR-TAG. AS AN OUTCOME OF THE EAR-TAGGING PROCEDURE, THE TWIN SPRINGS RANCH HAD TO INITIATE A SPECIAL ROUND-UP WHICH TOOK OVER ONE MONTH TO EAR-TAG THEIR ANIMALS. IN THE PROCESS, THERE WERE BROKEN LEGS, BROKEN HORNS, PARALYZED ANIMALS, MOTHER COWS WHO LEFT THEIR CALVES, AND DEAD COWS ON THE RANGE.

THE BUREAU OF LAND MANAGEMENT PERSONNEL, IN ATTEMPTING TO OBSERVE THE EAR-TAGGED ANIMALS AND WHETHER OR NOT THEY WERE EAR-TAGGED, CAUSED SHEER PANIC AMONG THE CATTLE BY THEIR LOW-FLYING HELICOPTER. THE FALLINI RANCH REPEATEDLY APPEALED TO THE BUREAU NOT TO FLY AT A HEIGHTH THAT WOULD CAUSE GREAT DISRUPTION TO THE CATTLE. THESE PLEAS WERE COMPLETELY IGNORED AND WE HAD TO RESORT TO THE NYE COUNTY DISTRICT ATTORNEY TO TRY TO GET RELIEF. WE LATER FOUND OUT THAT THE BLM DID NOT EVEN KEEP TRACK OF THE TAGS.

ON MAY 19, 1976, THE FALLINIS ENCOUNTERED ANOTHER PROBLEM ASSOCIATED WITH THE PASSAGE OF THE WILD HORSE ACT. THE BUREAU OF LAND MANAGEMENT DISTRICT MANAGER, GENE NODINE, WANTED TO ESTABLISH OUR RANCH AS A WILD HORSE RANGE. THIS WOULD REQUIRE THE FALLINIS TO SELL OUT ALL OF THEIR HOLDINGS IN THE TWIN SPRINGS RANCH. THIS PROPOSAL WAS ACCOMPLISHED WITHOUT THE KNOWLEDGE OF THE TWIN SPRINGS RANCH.

WE USED A REST AND DEFERRED ROTATION SYSTEM OF RANGE MANAGEMENT BY SHUTTING OFF WATERS. THE ABILITY OF THE HORSES TO TRAVEL LONG DISTANCES TO WATER COMPLETELY DEVASTATED OUR EFFICIENT "THOD OF CONSERVATION FOR THE RANGE.

IN 1971, A 150-MILE TRIP TO THE WATER WELLS WAS MADE EVERY FOUR DAYS TO PUMP THE WELLS TO FILL THE STORAGE TANKS. NOW, WE HAVE TO DO IT EVERY OTHER DAY WITH AN ADDITIONAL PUMP MAN BECAUSE OF THE INCREASED WILD HORSE POPULATION.

MANY OF OUR SPRINGS ARE BEING COMPLETELY DEVASTATED BY WILD HORSES IN SEARCH FOR WATER. WE JUST COMPLETED A $30,000.00 REJUVENATION OF ONE SPRING.

THE WILD HORSES ARE ALSO DEPLETING THE FORAGE IN OUR ALLOTMENT. THE DEVASTATION TO THE RANGE IS EXTENSIVE. IN MANY AREAS, THE ONLY GRASS THAT CAN BE FOUND IS THAT GRASS HIDDEN UNDERNEATH THE BUSHES. WE HAVE HAD 100 YEARS OF CATTLE GRAZING AND HAVE HAD EXCELLENT RANGE, BUT, IN THREE YEARS OF HORSE USE, THIS SAME RANGE CAN BE COMPLETELY DEVASTATED.

HORSES HAVE PROTRUDING TEETH THAT CAN CUT THE GRASS SO CLOSE TO THE GROUND THAT IT CAN KILL THE GRASS. THEY ARE ALSO ANIMALS THAT HAVE TO EAT CONTINUALLY AS COMPARED TO CATTLE THAT ARE RUMINANTS AND CAN EAT LARGE AMOUNTS OF ROUGHAGE AND CONVERT IT TO PROTEIN.

HORSES WILL NOT MOVE UNTIL STARVATION FORCES THEM TO MOVE BECAUSE OF THEIR TERRITORIAL INSTINCTS. CONSEQUENTLY, THE RANGE IS WRECKED FOR THE HORSES THEMSELVES, AS WELL AS THE DOMESTIC LIVESTOCK AND WILDLIFE. ALSO, DUE TO THEIR TERRITORIAL INSTINCTS, THE WILD HORSES WILL RUN THROUGH GATHERED HERDS AND SCATTER THE CATTLE.

ONE OF MY HIRED HANDS WAS ATTACKED BY A WILD HORSE DURING ROUND-UP AND WE EVENTUALLY HAD TO SHOOT THE HORSE TO PREVENT SERIOUS INJURY TO THE RIDER.

WILD HORSES ARE CONTINUALLY DEVASTATING FENCES.

ONE OF OUR RANCHES HAS NOT BEEN USED SINCE 1971 BECAUSE THE WILD HORSES HAVE COMPLETELY DEVASTATED IT TO THE POINT WHERE CATTLE WOULD STARVE.

THE FALLINI RANCH HAS DISCOVERED THAT MANY OF THE RECORDS SHOWING THE 1971 AREAS OF USE AND NUMBERS HAVE DISAPPEARED FROM THE BLM OFFICES.

OUR FAMILY OPERATION HAS CEASED TO EXIST BECAUSE I CANNOT PUT MY CHILDREN OUT ON THE RANGE TO RIDE BECAUSE OF THE THREAT OF THE WILD HORSES CAUSING INJURY TO THEM.

THE BUREAU OF LAND MANAGEMENT HAS CONTINUALLY USED OUR PRIVATE WATER SOURCES AND OUR PRIVATE LANDS WITHOUT JUST COMPENSATION TO THE FALLINI RANCH. WHENEVER THE FALLINI RANCH HAS DEMANDED THAT THE BLM REMOVE HORSES, THE BLM HAS USED VARIOUS EXCUSES, INCLUDING (1) COURT ACTION FROM THE HORSE PEOPLE WHO HAVE SUCCESSFULLY STOPPED ROUNDUPS IN THE PAST, (2) LACK OF FUNDING (ALTHOUGH THERE HAVE BEEN MONIES OBLIGATED FROM THE ADVISORY BOARD FOR HORSE GATHERING, AND (3) THE EXCUSE USED MOST OFTEN, THE ADOPTION PROGRAM IS NOT WORKING AND THE CORRALS ARE NOT CAPABLE OF HOLDING ANY MORE HORSES. AND AS A RESULT, THE NUMBERS CONTINUALLY GET LARGER.

I HAVE WATCHED THE COMPETITION BETWEEN THE WILDLIFE AND THE WILD HORSES, AND HAVE WATCHED THE WILDLIFE DISAPPEAR.

THE TWIN SPRINGS RANCH JUST WENT THROUGH AN ESTATE PROCEEDING WHICH INVOLVED ONE-HALF OF THE RANCH AND, AS A RESULT, THE FALLINIS HAD TO PAY OVER $424,000.00 FOR THIS PROCEEDING. THIS IS BECAUSE WE OWNED AND WERE ASSESSED FOR THE GRAZING RIGHTS ON OUR ALLOTMENT. THE SUM OF $315,842.00 WENT TO THE INTERNAL REVENUE SERVICE, WITH THE BALANCE OF $108,000.00 GOING TO ATTORNEYS, ACCOUNTANTS, AND APPRAISERS TO SETTLE THE ESTATE.

AT THE PRESENT TIME, WE ARE IN LITIGATION WITH THE BUREAU OF LAND MANAGEMENT TRYING TO SALVAGE OUR RANCH BECAUSE OF THE WILD HORSES. INCREASED COSTS ARE BECOMING PHENOMENAL. SINCE 1980, WE HAVE NOT TURNED A PROFIT ON THIS RANCH. IN 1971, 126 HEAD OF HORSES WERE ONSUMING 8% OF THE TOTAL WATER PRODUCED, WITH THE CATTLE CONSUMING

92%. AS OF 1982, THE CATTLE DEMAND FOR WATER WAS 47%, WHILE THE HORSE DEMAND WENT TO 53%.

IN 1971, HORSES WERE USING 6% OF THE FORAGE, THE CATTLE WERE USING 94%. IN 1982, CATTLE WERE CONSUMING 51%, THE HORSES WERE CONSUMING 49%.

THE FALLINIS HAVE INVESTED $577,051.00 IN RANGE IMPROVEMENTS FOR THEIR LIVESTOCK OPERATION. IN 1971, 6% OF THE VALUE OF THESE IMPROVEMENTS WAS BEING USED FOR WILD HORSES AND 94% WAS BEING USED BY THE FALLINI RANCH FOR ITS LIVESTOCK OPERATION. AS OF 1982, ONLY 51% OF THESE IMPROVEMENTS WAS FOR THE CATTLE OPERATION AND 49% WAS FOR THE WILD HORSES.

THERE IS A DIRECT AND INVERSE CORRELATION BETWEEN THE INCREASING HORSE POPULATION AND A DECLINING NET REVENUE TO THE RANCH. THIS HAS BEEN PRIMARILY DUE TO THE INCREASED COSTS OF PROVIDING STOCKWATER OF WHICH HORSES ACCOUNTED FOR 53% OF THE TOTAL COST IN 1982. THIS CONTRASTS TO 1971 WHEN THE PROPORTION OF THE TOTAL COST TO HORSES WAS 8%. IN 1982, THERE WERE AN ESTIMATED 2,052 HORSES WHILE, in 1972, THERE WERE 126 HEAD.

ACCORDING TO BOB BURFORD, DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, FROM 1971 TO 1981 OVER $27 MILLION WAS EXPENDED FOR THE "MANAGEMENT" OF THE WILD HORSES. HE HAS ALSO STATED THAT THE BUREAU CANNOT KEEP PACE WITH THE INCREASING NUMBERS AND THE WILD HORSES ARE DESTROYING THE RANGE LAND FOR THEMSELVES, AS WELL AS FOR WILDLIFE AND DOMESTIC LIVESTOCK.

THE TWIN SPRINGS RANCH HAS SUBSIDIZED THIS ABSURD 1971 ACT TO THE POINT WHERE IT IS BREAKING US AS AN ECONOMIC UNIT.

THESE ARE THE THINGS WHICH WE BELIEVE SHOULD BE CHANGED IN THE LAW:

1. THE BUREAU OF LAND MANAGEMENT AND THE U.S. FOREST SERVICE MUST BE GIVEN A CLEAR MANDATE TO MANAGE THE HORSES IN AN ECOLOGICAL BALANCE

UNDER A MULTIPLE-USE CONCEPT WHICH RESTRICTS THE HORSES TO THE DECEMBER 15, 1971, AREA OF USE WHICH IS SPELLED OUT IN SECTION 9 OF THE 1971 ACT.

2. THE BUREAU OF LAND MANAGEMENT AND THE U.S. FOREST SERVICE MUST BE GIVEN SALE AUTHORITY TO TAKE CARE OF THE UNADOPTABLE HORSES, AND THAT MONEY PUT BACK INTO A SELF-SUPPORTING PROGRAM TO MANAGE THE HORSES WHICH WOULD RELIEVE THIS TREMENDOUS BURDEN ON THE RANCHERS, AS WELL AS THE FEDERAL GOVERNMENT.

ONE THING IS CERTAIN. THE NEVADA RANCHERS SHOULD NOT BEAR THE BURDEN OF SUBSIDIZING THESE WILD HORSE PROGRAMS TO THE EXTENT THAT IT BREAKS THEIR ECONOMIC UNITS.

WE RECOMMEND A "DO PASS" OF ANY LEGISLATION WHICH WOULD IMPROVE THIS ABSURD 1971 ACT.

END OF TESTIMONY. Joe B Fallini Jr

The CHAIRMAN. Thank you very much, Mr. Fallini.
Mr. Jim Clapp.

STATEMENT OF JIM CLAPP, PRESIDENT AND COFOUNDER, WILD HORSE AND BURRO SANCTUARY, ALTURAS, CALIF.

Mr. CLAPP. My name is Jim Clapp. I am the president and cofounder of the Wild Horse and Burro Sanctuary of Alturas, Calif.

This sanctuary is a member of a coalition of over 100 groups representing millions of individuals who support S. 457.

A complete list of the coalition is attached and submitted with our written comment. The Wild Horse Sanctuary has been saving unadoptable wild horses since its inception in 1978.

We want what is best for all horses, wild or domestic, as well as all living things. We support S. 457 because it would allow for better management and bring good results for the wild horses and all that share the range.

The sanctuary is prepared to offer a home for up to 500 unadoptable wild horses free of charge to the Government until they can be adopted out.

Hopefully this will give temporary relief to the overcrowded facilities, or until some necessary legislative changes can be made.

We believe in view of the pressure now on the BLM caused by its budgetary reductions and the express need to make the adoption program as self-supporting as possible, it is now urgently necessary for excess animals not to be destroyed or kept restrained in corrals indefinitely at huge cost to the taxpayer.

But, rather, to be managed humanely for the best and most productive use. Unfortunately, this is the only way that we can see that the cost of humane capture, adoption and relocation to continue with the necessary financial support, and for the right of life to be secured.

Far more animals than otherwise would survive as the results of the present law. We, therefore, accept the fact that new legislation is necessary to overcome the present shortcomings and provide for an efficient cost-effective management program.

I have worked in various animal programs most of my life. I pioneered the wild horse removal program for the U.S. Forest Service, and developed the most humane and cost-effective methods available for capture of large animals.

When destruction threatened hundreds of unadoptable wild horses I cofounded the sanctuary to insure quality of life for them.

Searching for solutions to the problems that plague the wild horses has occupied a great deal of time and a great deal of my pocketbook for the past several years.

S. 457 makes possible for the first time since the passage of the 1971 Wild Free-Roaming Horse and Burro Act a workable, cost-efficient program capable of providing life for all wild horses.

Those left on the open range and those gathered for adoption. If this amendment is not passed, the only alternative is destruction or starvation.

On the open range the current trend of holding and feeding upwards of 2,000 horses in corrals cannot continue.

Many groups advocate waiting for the National Academy of Sciences studies on wild horses to be completed before considering further amendments to Public Law 92-195.

NAS has indicated in its preliminary reports that not much will be achieved by the current studies. Rather, NAS indicates that another 10 years and up to $6 million is necessary to give the various groups the information they would like.

The horses in some areas cannot wait that long. They may die of starvation and thirst now when unfavorable conditions occur.

We don't want to see the adoption fees returned to zero, since probably as many as 50 percent of the 39,000 that were placed at the free feeding have ended up going to slaughter plants after title was granted.

The sanctuary does not feel that most of the horses would go to slaughter if S. 457 passes. There are many uses for these fine animals. Sale offers one more chance at life than would otherwise be possible under current law.

Only undesirable horses that have not been adopted during the time limit would be sold. Humane groups will have every opportunity to see that the agencies comply with all the wild horse protection laws.

Passage of S. 457 could never allow conditions to return to the abuses of the past, prior to the 1971 act as some have claimed.

The cruelty and ruthlessness that brought about the Wild Horse and Burro Act was the result of greedy profiteers that had no restraints imposed upon them as to method of capture or means of transportation.

With all the laws, public attention and protection groups monitoring the various agencies conducting roundups, gatherings proceed quite orderly, humanely and routinely now.

If they did not, protection groups would have stopped them long ago. S. 457 could never change that or allow the wild horse herds to become extinct as some have claimed.

In conclusion, we would like to thank the BLM staff under this administration for their cooperation that they have extended, and for making themselves so readily available to any group or individual concerned with working out the existing problems within the wild horse program.

We would like to commend the Washington staff of the BLM for its direction of the management program for the wild horses and the burros in the most successful manner possible under the present legislative handicaps.

It is our hope that Congress will correct these legislative handicaps by passage of S. 457, thereby allowing a better future for equines and those who share the public ranges.

We appreciate this opportunity to express our views to the committee and urge that S. 457 be passed.

[The prepared statement of Mr. Clapp follows:]

WILD HORSE SANCTUARY
Carey Ranches, P.O. Box 1591, Alturas, CA 96101
(916) 233-3293

WRITTEN STATEMENT OF

THE WILD HORSE AND BURRO SANCTUARY

REGARDING S.457

BEFORE THE SENATE COMMITTEE ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

WASHINGTON, D.C.

APRIL 11, 1983

The Wild Horse and Burro Sanctuary has been saving unadoptable wild horses since it's inception in 1978. We want what is best for all horses, wild or domestic as well as all living things. We support S 457 because it will allow for better management and bring good results to the wild horses and all who share their range. The Sanctuary is prepared to offer a home for up to 500 unadopted wild horses free of charge to the government until they can be adopted. Hopefully this will give temporary relief to over crowded holding facilities until some necessary legislative changes can be made.

We believe this legislation is designed in view of the adoption fee policy of the Bureau of Land Management whereunder, beginning January 2, 1982, the adoption fee for a wild horse went up to $200.00 and for a wild burro $75.00. We understand this Bureau of Land Management policy responds to requests of the Office of Management and Budget and of the House Committee on Interior and Insular Affairs to make the adoption program more self-supporting.

The Sanctuary shared with many others the fear that this new adoption fee policy would result in a severe decrease in adoptions, causing a large, unacceptable increase in the destruction of excess wild and free roaming horses and burros now mandated by section 3(b)(2)(C) of the Act which provides that "The Secretary shall cause additional excess wild and free roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible."

On September 24, 1981 the Sanctuary learned from the BLM Denver Service Center in Colorado that prior to the adoption fee policy there were 17,000 persons on the BLM computer list waiting to adopt wild horses or burros. In June a letter was sent asking who of those 17,000 would still be interested in adopting a wild horse at the new $200.00 fee. 1,600 persons were all that responded.

Even the BLM admitted the prospects were not encouraging for the wild horses and burros Directors of the BLM had told us that when there is not enough adoption demand to provide homes for wild horses, the round ups will cease. Horses and burros above management levels will then be declared excess on the range and elimination by direct reduction (shooting) will commence.

We are sure that most of you reading this are aware of the sobering fact that we could soon be facing the mass slaughter of more than 50,000 wild horses and burros. 50,000 is a conservative estimate. This course is mandated by PL 92-195 as amended in its present form and it is the legal duty of the BLM to pursue this course unless it is changed.

We believe, in view of the presure now on the BLM caused by its budgetary reductions and the expressed need to make the adoption program as self-supporting as possible, that it is now urgently necessary for excess animals not to be destroyed or kept restrained in corrals indefinately at huge costs to the tax payer, but rather to be managed humanely for their best and most productive use. Unfortunately this is the only way we can see for the cost of humane capture, adoption and relocation to continue with the necessary financial support, and for the right to life to be secured for far more animals than may other wise survive the results of the present law.

On August 28, 1981, after previous meetings in California with BLM and Forest Service officials, including the then BLM Director for California, Jim Ruch, Sanctuary President Jim Clapp had a thorough-going discussion in Washington with BLM Director Robert F. Burford and his staff concerning the problem that appeared imminent in implementing the new $200/75 adoption fee policy on January 2, 1982. He found Mr. Burford very concerned with this subject personally and willing, as he told us, to go more than half way in working with any individuals or organizations willing to help solve the problems involved in successfully managing our wild horse and burro populations. It appeared very clear that under the present Wild Horse and Burro Act, as amended, a very large increase in excess animals will suffer useless, untimely death unless the Act can be amended to provide for handling and management of excess animals to be removed from the public rangelands.

We therefore accept the fact that new legislation is necessary to overcome present shortcomings and provide for an efficient, cost effective management program.

We fully realized the thought of selling and thus possibly utilizing wild horses would be repugnant to many who are unable to accept this alternative. We are far from happy with it ourselves. At this critical time, however, we are facing just two choices: (1) death on the range by shooting which cannot be humane; or (2) At the very worst, a humanely supervised death under tightly controlled and usually federally supervised conditions.

Sanctuary President Jim Clapp has worked in various animal programs most of his life. He pioneered the wild horse removal program for the U.S. Forest Service and developed the most humane and cost efficient methods available for capture of large animals. When destruction threatened hundreds of unadoptable wild horse and burros, he co-founded a sanctuary with government sanction to insure quality life for these animals. He has saved nearly 250 wild horses and burros. Searching for solutions to the wild horse problem has occupied a great deal of his time and pocket book for the past several years. He has recently concluded the humane capture and removal of more than 6,500 feral goats and pigs from San Clemente Island, California, which experts declared a task impossible to accomplish. His reason for completing this nearly impossible task was solely to prevent the mass slaughter of these animals that the Navy announced it was planning to execute. He speaks with first hand knowledge on the subject of destroying animals on the open range by shooting. It is never effective and always accompanied by untold suffering.

The BLM has already accepted the fact that their own BLM personnel will not be willing to perform this gruesome task. The only alternative will then be to contract with dispassionate individuals who will be killing in the worst possible fashion, unless those who feel that slaughter on the range is preferable to sale are willing to take up rifles and themselves complete the destruction that has been mandated by Congress. Even a sporthunter cannot stomach such a blood bath as we are facing for all the excess wild horses and burros, if the governing legislation is not changed quickly.

Some protection groups do not fully understand the situation facing the wild horses today or they just cannot accept the facts of the matter.

Many groups advocate waiting for the National Academy of Sciences studies on wild horses to be completed before considering further amendments to PL 92-195. NAS has indicated in its preliminary reports that not much will be achieved by the current studies. Rather NAS indicates that another ten years and up to six million dollars are necessary to give the various groups the information they would like. The horses in some areas cannot wait that long! Many die of starvation and thirst now when unfavorable conditions occur!

The Sanctuary is happy to see that the $200.00 has been lowered to $125.00. We feel more horses should have a better opportunity for placement at this lower fee. We don't want to see the adoption fees returned to zero since possibly as many as 50% of the 39,000 horses that were placed at the free fee ended up going to slaughter plants after title was granted to the adopters.

Upon investigation the Wild Horse Sanctuary learned through the Department of Agriculture in Washington D.C. that the U.S. has 21 federally inspected slaughter plants for horses. These plants process over 300,000 horses annually. Upon checking with various plants we were informed (by those who would talk to us) that upwards of 100 wild horses with titles were processed weekly. Many instances were reported of individuals who took four horses for different individuals, pastured the horses for one year, until title was granted, then promptly sold them for slaughter. All this is perfectly legal under current "protection" laws. When an adoption fee is required the margin for profit is nonexistant and these types of occurances should cease. Of course if an individual has to buy hay for horses there is no margin for profit even on a free horse.

The Sanctuary does not feel that most of the horses will go to slaughter if S 457 passes. There are many uses for these fine animals. Sale offers one more chance at life than would other wise be possible under current law. Only undesirable horses that had not been adopted during the time limit could be sold. Humane groups will have every opportunity to see that the agencies comply with all wild horse protection laws.

Passage of S 457 could never allow conditions to return to the abuses of the past prior to the 1971 Act as some claim. The cruelty and ruthlessness that brought about the Wild Horse and Burro Act were a result of greedy profiteers that had no restraints imposed on them as to method of capture or means of transportation.

With all the laws, public attention and protection groups monitoring the various agencies conducting roundups gatherings proceed quite orderly, humanely and routinely now, if they did not, horse protection groups would have stopped them long ago. S 457 could never change that or allow wild horse herds to become extinct as some have claimed.

In conclusion, we would like to thank the BLM staff under this administration for the co-operation they have extended and for making themselves so readily available to any group or individual concerned with working out the existing problems within the wild horse program.

We would like to commend the Washington Staff of BLM for its direction of the management program for wild horses and burros in the most successful manner possible under the present legislative handicaps. It is our hope that Congress will correct these legislativ handicaps by passage of S 457, thereby allowing a better future for all wild equines and those who share the public ranges.

We appreciate this opportunity to express our views to this committee and urge that S 457 be passed.

The CHAIRMAN. Thank you very much, Mr. Clapp. I appreciate the testimony of each of the witnesses here today. I have just two or three questions, and I might indicate that Senator Wallop left because we have been at this for a number of hours now, and he had a conflict.

He said he was already 1 hour late for a luncheon to which he was obligated to go. Ms. Saare, do you think that the adoption program has reached the saturation point?

Ms. SAARE. I don't see how it possibly could, and I have just done an article recently, it will be coming out in about 2 weeks, called, "The High Cost of Horsemeat."

And this is kind of analyzing what has happened to the great horse market in this country as a result of the development of the human consumption slaughter market.

And very tragically our base of grade horse production has gone to Belgium and Japan, and we really—your grade horses really are your base, your starter market for the whole industry.

And so as we have lost these grade horses actually, this wild horse program is a very valid and very valuable source of grade horses for the horse industry. And I think that just as Robert Payne mentioned, I think that the satellite adoption centers, the temporary little centers in different States, so that these horses get to different areas rather than being in the same areas all the time I think would be a tremendous stimulation for the whole program.

But I don't see any way with what has happened to our own industry, I don't see how the BLM horses could possibly even begin to replace what we have already lost.

The CHAIRMAN. You have indicated that there is a potential for more adoption. Do you believe that the adoption fee reduction will resolve the excess horse problem?

Ms. SAARE. I don't see that myself. And I think one of the reasons that the horse industry has not really—has not had as high a level of acceptance of this program as it could be is because we have been—or BLM has been putting so many of the older horses out.

And the potential for these older horses to make it in an urban and suburban situation is pretty limited. Now the cowboys and the ranchers and the people that are accustomed to handling the western horse and the wild horse, the range-bred horse, can train these horses.

But I don't see that anything related to that adoption fee is really going to take care of putting older, unacceptable horses out to the public through this program.

The CHAIRMAN. Ms. Payne, do you believe that the adoption program has reached the saturation point?

Ms. PAYNE. No, sir, I don't. I believe there is a definite market for the younger horse. I have to concur with Ms. Saare in that I feel the older horses are not successful in adoption.

We have had experience in our farm with trying to break older horses for other people, and as my son told you, it can be extremely dangerous.

They are difficult to break because they are set in their ways. I think that we need to bring our herds down to a manageable level by being able to sell these horses that are unadoptable at public auction.

And the revenue generated go back to the management program.

The CHAIRMAN. Mr. Clapp, I want to particularly commend you, because you and the organization that you represent directly are doing what a number of people talk about, but you are doing.

That is, you are making a home for some of these unadoptable horses. As I understood, you said you would have room for 500 more?

Mr. CLAPP. Correct, Senator. We have a facility now that will handle up to 500 horses free. We had just come back from the facilities where we had over 1,000 horses in there, that some of them have been standing in there over a 1 year period.

And those animals are just not going to be adopted out.

The CHAIRMAN. By some estimates there are some 50,000 that should be removed from existing herds. Some of those would be adoptable; some would not.

Would you have any estimate of the ratio between those that might be adopted and those that could not or should not be adopted?

Mr. CLAPP. Just a personal opinion, I would think that probably around 10 percent of the horses could not be adopted out or could not be placed.

And those horses are right now under the present understanding I have with BLM is that if we pursue the present course that we are going now, we are going to be paying about $2½ million next year to feed those horses that can't be adopted.

And I might add one other thing, Senator, is that right now there was 338,000 domestic horses shipped to slaughter last year.

And those horses have no rules, regulations, or laws pertains to them. Those are our good, domestic horses that we have broken, cared for.

And so the market that the wild horse would influence on the domestic market is—there is not a market. In other words, the amount of horses being sold through the Government would not influence the present market that we have today.

The CHAIRMAN. Mr. Fallini, I was not quite certain with respect to one part of your testimony. You suggested that the BLM was attempting to put a sanctuary for wild horses, and I wasn't certain whether that was on your grazing allotment or on your private lands or on both.

Mr. FALLINI. It was on both is what it amounted to. The Bureau of Land Management when we had the horse problem I believe after 1978, what happened there is our district manager went to Senator Laxalt's officer under Jerry Dondero and prepared a very elaborate program to condemn our ranch through Congress to make it a wild horse range without our knowledge.

The CHAIRMAN. Mrs. Thomas——

Mr. FALLINI. Along with four other ranches, incidentally.

The CHAIRMAN. Excuse me?

Mr. FALLINI. Along with four other ranches.

The CHAIRMAN. And that was on private lands, as well as public lands?

Mr. **Fallini**. Well, what it amounted to, they took everything out and then on our particular ranch they said we wouldn't have enough to survive with, so they could take the forage that they didn't use for the horse range and give it out to other people.

The **Chairman**. Well, were they attempting to run horses on your private lands?

Mr. **Fallini**. Yes, this would run horses on our private land, because we have approximately 2,000 acres of private land that is scattered throughout our 663,000 acres of public domain land.

The **Chairman**. Well, I know of one instance in which a rancher went to court and got a court order——

Mr. **Fallini**. We're there right now.

The **Chairman** [continuing]. To keep their horses off the private lands.

Mr. **Fallini**. We're there on a court order to get them off the private land. We're there on a court order to manage them in the 1971 area of use. This went before Judge Foley today.

The **Chairman**. Ms. Thomas, do you believe that the numbers that have been stated by the BLM are accurate or excessive?

Do you—you know you've heard some of this criticism that the numbers are so meaningless we shouldn't use them at all. What do you think?

Ms. **Thomas**. You mean the total, overall access numbers or——

The **Chairman**. Yes.

Ms. **Thomas** [continuing]. Site by site examples? I would have to say I feel they are fairly accurate, because the areas where I am most familiar with, I have quite a bit of confidence in the way that BLM has been censusing the horses in the Challis area.

And I feel that their estimates there are very accurate. So I would have to say that probably they are in the ballpark somewhere; yes.

The **Chairman**. If those numbers are accurate then there are—the problem is rather large. Do you believe the adoption program can accommodate—absorb all the numbers that should be removed?

Ms. **Thomas**. Well, I'm not sure about that. I do feel that the adoption program has become somewhat saturated around the local gathering areas, because these are rural areas.

There are only so many people that can take these horses. And as some of the other testimony has been stated, there will always be a fairly good adoption market for young animals.

Your foals, your yearlings, your 2-year-olds. But beyond that, you are going to have to look to a larger audience to take these horses.

And I think it's going to take a little more push, like the BLM has been doing, putting out satellite adoption centers to take these horses. And there will always be some that are unadoptable by present standards.

Either age, temperament, there are some that the average person should not try to handle.

The **Chairman**. What should be done with the older animals that are not adoptable?

Ms. **Thomas**. I don't think they should be turned back on the range. I think they should be sold.

The **Chairman**. Even if that results in their slaughter?

Ms. **Thomas**. Yes.

The **Chairman**. I want to thank each of you for your testimony.

Mr. **Fallini**. Could I make one comment?

The **Chairman**. Surely, Mr. Fallini.

Mr. **Fallini**. I have a bunch of pictures here, and what it amounts to is it shows starvation of horses, it shows horses that have been choked, it shows horses that's devastated fences, it shows horses that's in water holes from loco weed and it shows an inferior bred horse that has been inbred.

I would like to leave these with you.

The **Chairman**. Thank you very much, and that latter point I think needs to be underscored, and I meant to ask you, Ms. Saare. If the older horses are turned back, all that we take out are the youngest, most adoptable horses, will that wild horse herd then be suitable replacement stock within the horse breeding societies of our country?

Ms. **Saare**. Not if you are just turning horses out as related to their age. And I think, Senator, you are certainly familiar with the influence that has happened with these horses over some years.

And as you have mentioned, there has been a process of inverse culling that has gone on. There has certainly been an influence of draft horses.

And there are many things that have occurred, and just to do a gate cut by age and then just turn those horses back is not doing anything. It is not accomplishing anything.

The **Chairman**. Thank you very much. I again want to thank all of the witnesses today for assisting the committee in understanding what the problem is.

The committee will stand adjourned.

[Whereupon, at 1:43 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL STATEMENTS AND COMMUNICATIONS SUBMITTED FOR THE RECORD

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AMERICAN HUMANE

TESTIMONY REGARDING S. 457

Before the
Senate Subcommittee
on Public Lands and Reserved Water
April 11, 1983

Presented by
Mary G. Knopke
Director
Washington Office
American Humane Association

On behalf of
American Humane Association
9725 East Hampden Avenue
Denver, Colorado 80231

and

National Organization for Wild American Horses
P.O. Box 1719
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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify today on S. 457, a bill to amend the Wild Free-Roaming Horse and Burro Act of 1971.

I am Mary Knopke, Washington Director of the American Humane Association (AHA) which is headquartered in Denver, Colorado. Founded in 1877, the American Humane Association is the oldest national humane federation with an organizational network of over 3,000 animal care and control agencies located throughout the United States. Today, I also speak on behalf of another Colorado-based group, the National Organization for Wild American Horses (NOWAH). Established in 1978, NOWAH provides education on humane care and handling of wild horses and burros to people who want to participate in the Adopt-A-Horse or Adopt-A-Burro Program.

Both AHA and NOWAH have had a direct "hands-on" role in the adoption of thousands of burros and hundreds of wild horses from China Lake. This role ranged from advising the Bureau of Land Management (BLM) to transporting the animals to matching them with adoptors. NOWAH will also begin a major direct effort to remove and adopt hundreds of wild burros from Death Valley this June.

AHA and NOWAH wish to go on record in strong opposition to S. 457. We dispute claims that conditions on federally owned Western rangelands warrant amending the 1971 Act, and disagree with the proposed changes to the Act contained in S. 457. However, others here today will detail these disagreements. My testimony centers on the Bureau of Land Management's "Adopt-A-Horse or Adopt-A-Burro Program." We believe that if certain practical improvements were made to that Program, S. 457 would not merit discussion.

From AHA's and NOWAH's direct experience with various aspects of the Program, it is our firm belief that if certain administrative and programmatic changes were made, clear Congressional intent of the 1971 law would be satisfied. Specifically, wild horses and burros would be protected from slaughter and the BLM would have an efficient mechanism for managing and controlling the animal populations.

If the Adopt-A-Horse or Adopt-A-Burro Program was to function as it was originally intended, there would be no need to amend the 1971 Wild Free-Roaming Horse and Burro Act. Indeed, there would be no need to even discuss granting to the BLM legislated authority to sell "excess" or "unadoptable" wild horses and burros to slaughter, which would certainly negate the very heart and soul of the 1971 Act.

We offer the following recommendations to improve the current Adopt-A-Horse or Adopt-A-Burro Program:

- Increased Volunteerism;
- Improved Techniques for Selecting Adoptable Animals;
- Improved Public Information Efforts;
- Improved Computer Capabilities; and
- Setting Reasonable Adoption Fees.

I will elaborate on each of these recommendations.

Increased Volunteerism

With the current Administration's emphasis on promoting the spirit of volunteerism, the BLM should lead the way in bolstering the Adopt-A-Horse or Adopt-A-Burro Program through volunteer efforts available from recognized non-governmental organizations. Not only do AHA and NOWAH stand ready to play an expanded role, but other organizations such as the Fund for Animals and The Humane Society of the United States also exist and could be asked to help. Past and current examples show that successful interaction between the BLM and humane or animal protective groups can take place.

One important area where volunteer efforts would supplement and compliment BLM concerns animals left over for adoption after the required holding period. Regulations stipulate a 45-day holding period for horses and burros rounded up and processed for adoption,during which time the BLM retains sole administrative and fiscal responsibility for the animals. By simply notifying the participating humane groups of the expected numbers of unadopted animals before expiration of the 45-day period, the BLM could enlist the groups in efforts to use their own network of adoption applicants. The results would significantly reduce the numbers of "unadoptable" animals, reduce the number of animals later destroyed, and, thus, reduce the Program's cost to the BLM.

Another area where the Program would benefit from volunteer efforts is in the verifying adoption applicants considered by the BLM to be questionable. Where inconsistencies are found on completed application forms, where prior histories of animal abuse are discovered, or where multiple powers of attorney are presented, the BLM rightfully has reason to be suspicious. Budget contraints often preclude thorough investigations of such applicants by the BLM before the animals are placed.

Humane societies in areas where questionable applications come from could be enlisted to verify application statements. Double benefits would accrue from this procedure. First, placements would more likely be permanent, thereby eliminating substantial costs to the BLM in repossessing the animals for readoption. Second, costs of investigating and verifying applications would not be borne by the BLM. Local humane societies with cruelty investigators on staff would, in most cases, promptly and without charge, routinely verify application data upon request.

It is important to note that precedent exists for this volunteer verification arrangement. For eleven months in 1978 the American Humane Association, through our national network of animal care and control agencies, assisted the BLM in investigating and verifying questionable applicants. With AHA as the contact point, the BLM notifies us of potential problems and we, in turn, contacted the closest humane society in the area, or the county sheriff where no humane society office existed. Face-to-face interviews with adoptors and on-site inspections of the facilities intended to house the animals were made, and reports of the conditions forwarded on to AHA who, in turn, reported the findings back to the BLM. AHA worked with a total of 33 local humane societies or county sheriffs in 17 states during the 11-month period. During that time, not a single incident of ill-advised or cruel placements that the AHA was involved in was recorded.

It is interesting to note that a strong motivating factor for developing the networking arrangement with AHA was a much publicized incident in Wichita, Kansas, where an individual adopted 300 wild horses form the BLM and was later discovered to have grossly abused and neglected them. The cost of this single event to the BLM was substantial, both in terms of the public's loss of confidence in the federal agency and the funds involved in repossessing and readopting the surviving animals.

It is probably safe to say that had this volunteer verification system continued to operate after 1978, subsequent adoption atrocities such as the most recent case in the city of Pittsburgh, Texas, would never have occurred. Reinstituting such a system would require minimal effort by the BLM and the humane community. The benefits would be numerous.

Improved Techniques for Selecting Adoptable Animals

Results from a recent ad hoc poll of adoption centers conducted by the AHA found that certain specific types of animals tend to remain beyond the 45-day holding period, the so called "unadoptables." Not surprisingly, these are usually old stallions, mares past breeding age, stunted animals, and inbreds. A certain ranking system seems to be used by the public in selecting animals for adoption: (1) young mares, (2) young stallions, (3) older mares, (4) geldings, and so on.

AHA and NOWAH recommend that when the animals are first corralled at the roundup site, the BLM transfer on to the adoption centers those animals known to be the most desirable, e.g., young breeding mares and stallions. Those animals known to be the most difficult to place should simply be allowed to return to the range for eventual natural extinction. (Male horses in this category should be humanely gelded before being turned back.) In this way, the cost of keeping "unadoptables" would be minimized, rational humane herd management would be accomplished, and the Adoption Program would be in a better position to assure success in its placements. The costs of implementing such a selection process would be negligible and the long term effects substantial.

Improved Public Information Efforts

Efforts aimed at informing the public of the availability of wild horses and burros is critical to the success of the Adoption Program. Indeed, the BLM ostensibly recognizes the necessity of public advertising when it states in its Fourth Report to Congress June 1982 - Administration of the Wild Free-Roaming Horse and Burro Act,

> "To reduce the impacts on adoption demand, public affairs activities are being increased to reach new audiences who are unfamiliar with the program. It is hoped that these expanded efforts will generate an increased adoption demand, making it unnecessary to destroy healthy animals."

AHA and NOWAH question that this statement is being implemented by the BLM. The most frequently expressed concerns heard from adoption center personnel are (1) that most people do not know of the Adoption Program or the existance of their centers, and

(2) that the BLM publicity budget is so low as to prevent the public from learning about them. We hope this Subcommittee will look into this further.

To implement BLM's goal of not destroying healthy animals, it should begin immediately to bolster its so far anemic publicity efforts with a well conceived, systematic publicity program. If properly conceived and targetted, such a program should not be expensive.

Improved Computer Capabilities

Efficiency of the Adopt-A-Horse or Adopt-A-Burro Program could be significantly increased and the costs significantly reduced through improvements in the current BLM computer system linking all adoption centers. The present costly system with limited positive return is a serious drain on the Program's administrative budget.

There are several areas in need of immediate improvement in BLM's computer capabilities. First, programs should be written to identify those adoptors who have not filed for title to their animals after one year's time. By maintaining up-to-date records of adoptions and their effective title dates in the computer, a tracking system would enable the BLM to quickly identify, notify, and resolve final title to the animals.

The BLM recognizes the extreme advantage of finalizing title for it states in its Fourth Report to Congress June 1982,

> "Awarding title...also reduces costs of recordkeeping and monitoring by decreasing the number of animals the Agencies must oversee."

In the same report, the BLM admits that:

> "Agency records reveal that of the almost 25,000 wild horses and burros maintained for more than 1 year, [only] 6,239 wild horses and 608 burros have been titled."

This enormous difference between adoptions and titles must be reduced if administrative costs are to be brought down.

Second, the computer should be used to (1) identify adoption applicants who warrant further investigation and verification, and (2) maintain accurate up-to-date records of potential applicants so as to ease the adoption centers' task of matching applicants with adoptable animals.

Finally, improved computer techniques could assist the BLM in responding to requests from potential adoptors. As an anecdote to this final point: an AHA member tried unsuccessfully for two years to obtain an application form from the Adopt-A-Horse Program. After numerous written requests to the BLM, to which no responses were ever received, our member finally obtained the application form after contacting her Congressman who interceded with the BLM. A proper functioning computer and match-up system would minimize such incidents.

Setting of Reasonable Adoption Fees

AHA and NOWAH are very concerned about the interpretation that the BLM might place on the following new language in S.457 regarding adoption fees:

> "the Secretary shall establish by regulation adoption fees that discourage private maintenance of excess animals for the purpose of commercial gain and maintain a viable adoption program."

We are afraid that if the BLM again raises the adoption fees as it did from January 1982 to February 1983 from $125 to $200 for wild horses and from $25 to $75 for burros, that this will again increase the number of unadopted animals.

The special danger here is that S. 457 also would allow unadopted wild horses and burros to then be sold at public auction. Such unrestricted public auctions lead, in effect, straight to the commercial slaughterhouse -- just the opposite result from that intended in current law. One of the most important purposes of the 1971 Wild Free-Roaming Horse and Burro Act was to prevent commercial slaughtering of these animals.

AHA and NOWAH would like to see the adoption fees set low enough to basically clear the market of all desirable, adoptable wild horses and burros so as to minimize the number of unadoptable animals. (Note the importance of applying this fee setting policy in conjunction with our recommendation of returning essentially unadoptable animals to the range.)

BLM had argued that fees in the $200 range for wild horses and $75 for burros was necessary to cover handling and processing costs which, according to BLM's Fourth Report to Congress June 1982, were $279 per animal in 1980 and $299 per animal in 1981.

Please note, members of the Subcommittee, that in 1982, under contract to the BLM, NOWAH carried out the entire handling and processing procedures for adopting wild horses and burros for $94.45 per animal.

Rather than amend current legislation per S. 457, we recommend that the BLM adopt a number of methods, including those proposed in this testimony, to increase efficiency and reduce costs of the Adopt-A-Horse and Adopt-A-Burro Programs.

Official Committee File

TESTIMONY:

Alan J. Kania, executive director
Center for Wild Horse and Burro Research, Inc.
2725 W. 86th Avenue #17
Westminster, Colorado 80030

In 1971, Congress unanimously passed Public Law 92-195, the Wild Free-roaming Horse and Burro Act. By 1974 the Senate sub-committee for Interior and Insular Affairs called the Bureau of Land Management back for oversight hearings. The 1971 act calls for the Bureau of Land Management and Forest Service to manage, protect, and control the wild free-roaming horses and burros on Public Lands. At the 1974 Oversight Hearings, the Bureau of Land Management was chastised for spending a disproportionate amount of time and money on only "controlling" the equids through roundups. To the best of my knowledge, the Washington offices of the Bureau of Land Management has never officially accepted the Congressional mandate to protect or manage the equids, citing economic and personnel restrictions as their justification.

The adoption program is a declining managerial program due to mismanagement of the way the program is carried out. To quote from two BLM letters, "... some of our statistical information for 1971 through 1978 is based on 'best guess estimates.' ... We were not in any way attempting to conduct a scientific opinion survey regarding the fees, and no attempts will be made to claim that the comments received reflect nationwide opinion ... Limited funding, logistical problems, and limited data collection have hampered the research effort."

Gentlemen, I have been actively involved with management criteria, history, legislative development, and other aspects of wild horse and burro programs. In order to extend my academic Masters degree education in public affairs administration in nonprofit organizations, last year I established the Center for Wild Horse and Burro Research in the hopes that my board of directors and I can bring an area of management expertese to aide a managerial deficet that apparently exists by the Bureau of Land Management's own admission.

A former Washington BLM administrator wrote a letter to me analyzing the Center's proposal to the BLM to assist in the management of the wild horse and burro program. He wrote, "I have studied your prospectus and must say I believe you have found a very worthwhile purpose. There is too little data available to guide intelligent management and your research efforts will surely help field managers (and the animals)."

A BLM state director also wrote, "I read your preliminary marketing audit and the organization's primary concern with great interest and applaud you for your very innovative and thoughtful concern. Because of your well thought out report and its potential benefits that the Bureau may receive from your endeavor, I have taken the liberty to forward your correspondence to our Washington Office and to Bob Springer, Wyoming State Office.

"As you may well know, our abilities and services we are able to provide to the public in regard to wild horses and burros are very much dictated and constrained by the funding and manpower that is made available to us. Your organization, as I understand your marketing and planning audit, is a welcome vehicle that may be able to bridge the gap and provide research and policy information to the more concerned public. I personally welcome your sincere effort."

As part of the record today, I am submitting my marketing/planning audit for the Center for Wild Horse and Burro Research and the proposed contract for a market audit for the Adopt-a-Horse/Burro program that has been well received by western BLM ofices. However, when the program was forwarded on our behalf to Washington, an inter-office memor recommended a turn-down of our attempt to establish a working cooperative arrangement with the Bureau of Land Management (see enclosed memo).

In the 1970s, the wild equid proponents and the federal government attempted to reach accord through intimidation and the court system. A decade later, I would say that most of the wild equid proponents have, at least in part, adopted Wild Horse Annie's philosophy of cooperation with a velvet glove on an iron gauntlet. We will continue to offer an olive branch toward Washington. We will continue to do our best to cultivate cooperation with the various state offices of the Bureau of Land Management and Forest Service.

But if your cohorts, Mr. Burford and Mr. Watt wish to continue staging environmentalist attacks with unsubstantiated innuendoes and totally outdated and erroneous data; I would assume that our desire for cooperation will be severally frustrated. I consider myself an environmentalist because I have a healthy respect for the environment. I've been actively involved with the wild equids for 13 years. I have never received a salary from my advocacy.

Specifically with regard to your proposed ammendments to PL 92-195, I would like to raise some questions that I hope you will seriously consider without the political influence of Messrs. Watt and Burford. In an analysis of the ammendments being proposed, the following items were stated:

"Recognizes that wild horse and burro populations are thriving and not in danger of disappearing."

> According to the National Academy of Science's report, the Bureau of Land Management population figures are inaccurate and improperly conceived.

S. 457 Hearings
Rock Springs, Wyoming
March 19, 1983
Alan J. Kania
Center for Wild Horse and Burro Research

"Provides for management of wild horse and burro herds and their habitat in accordance with resource management objectives for the area developed in land use planning."

What happened to the rest of the Congressional mandate the includes "protection" of the wild equids? I assume that you will share your "management" philosophy regard the wild equids with us today.

"Requires regulatory establishment of adoption fees that both discourage adoption for commercial gain and allow a viable adoption program."

How will this be accomplished when the fees are currently being set capriciously?

"Authorizes the sale, in addition to the presently required destruction, of excess animals for which no adoption demand by qualified individuals exists."

If this ammendment is passed, would the senators please explain what value would PL 86-234 and PL 92-195 have with regard to the protection of wild horses and burros? Considering that there are no comprehensive federal management policies and/or procedures with regard to management of wild equids, how can the sale of excess horses/burros be considered managerially sound when there are no procedural guidelines established by the Bureau of Land Management and Forest Service to manage the equids properly?

If the fees are in excess of the demand for the wild equids, who would offer to buy the animals other than those who want to exploit them commercially. It is rather blatant that the intended buyers' profession has been left out of the literature.

"Provides the protection of State and local humane laws to excess animals that are sold and no longer protected by PL 92-195 as amended."

S. 457 Hearings
Rock Springs, Wyoming
March 19, 1983
Alan J. Kania
Center for Wild Horse and Burro Research

We are dealing with a federal law that was passed because of inconsistencies in state and local laws with regard to the wild equid management. Why are you trying to put the equids back into a situation that had a track-record of being detrimental to the equids?

"Provides for increased public participation in the development of regulations and policies concerning wild horses and burro management by reestablishing an advisory board."

Under the procedures that a federal advisory board acts, their input is purely in a advisory capacity and may be rejected or accepted at the discretion of the Secretary. To imply that the public's participation could affect the Secretary's own thoughts about wild equid management would be misleading.

"Clarifies the language in the Act authorizing prosecution of individuals who illegally capture, sell, or process into commercial products any wild horse or burro. Deters individuals from illegal capture, sale, inhumane treatment or care, and other violations of the regulations by increasing the penalty for conviction of a second offense."

With all due respects to the Senators' intentions with S. 457, it would seem that you are subsidizing the commercial users by sparing them the roundup. Previously you state legislatively, that "excess" wild equids would be sold. Who else would buy them? The thought of an increased penalty is folly when you are providing a legal and more cost effective means of harvesting the equids.

As to the humane treatment of the wild equids - Sen. McClure's own state of Idaho certainly has its own set of humane laws. If you want a clear and federally documented case of why state and local humane laws are ineffective in this case, I would strongly recommend that you secure and read a copy of the federal investigator's report on the Howe Idaho roundup in 1972.

S. 457 Hearings
Rock Springs, Wyoming
March 19, 1983
Alan J. Kania
Center for Wild Horse and Burro Research

Gentlemen, it is my belief that S. 457 is a capricious effort to nullify PL 92-195 and PL 86-234. To try and sell your constituents that this ammendment is a means of making the wild horse and burro program as manageable, is a travesty.

I respectfully invite you to withdraw the bill and urge the Bureau of Land Management to correct the weaknesses in the program as described in the National Academy of Sciences report. If the Bureau of Land Management and our legislative bodies will support the function of PL 92-195 (something that they have never officially done), you will see the wild equid proponents extending a hand to work cooperatively and effectively in establishing a workable system.

Respectfully submitted,

Alan J. Kania

Alan J. Kania, executive director
Center for Wild Horse and Burro Research

March 19, 1983

CENTER FOR WILD HORSE AND BURRO RESEARCH
Proposed contract for a market audit
re: Adopt-a-Horse/Burro program

I. Problem:

Public awareness and fundamental marketing management principles concerning wild horses/burros and the federal Adopt-a-Horse programs have been inadequately addressed by the federal government and wild equid protection organizations for the past eleven years. The BLM (Bureau of Land Management) has acknowledged that scientific survey techniques have not been properly used to establish any kind of legitimate marketing program. As a result, resourceful utilization of wild horse and burro management has resorted to vain repetitive attempts to resolve the wild equid situation. Because of other federal obligations, proper marketing expertise to resolve the overall wild horse/burro issue has been negligible.

II. Goals:

The business of the Center for Wild Horse and Burro Research shall be to assist in the compulation of scientific, educational, historical, and interpretive research that involves the documentation of historic, behavioral, and/or managerial status of wild, free-roaming horses and burros. The Center will compile such data through verbal, printed, and electronic or other means available to the communications field.

III. Objectives:

Phase I - Establish a functional board of directors to develop policy and long-range fiscal plans. Term of office will be one year, providing maximum input of developmental ideas. Each board member will be expected to actively become involved with the establishment of organizational policy, goals, and objectives; economic budget, fund raising, and medium-ranged financial planning; and other responsibilities required to maintain an actively participating board as an integral aspect of the organization's function.

Phase II - Because of recent attempts to augment the management function of the federal Adopt-a-Horse/Burro program, a grant/contract to establish a framework proposal to redevelop the program according to basic marketing management principles will be the first organizational priority.

Phase III - Establish a fund-raising program to establish an economic base for the Center for Wild Horse and Burro Research.

IV. Alternative strategy:

Without the input from the Center for Wild Horse and Burro Research, the federal government will either have to disolve the wild horse and burro program (with legislative changes) or begin shooting the wild equids as a least desireable means of establishing range management quotas.

Wild horse and burro proponents traditionally do no solicit sufficient income to finance management programs, communications productions, or behavioral/managerial research on behalf of the wild horses and/or burros. Federal agencies charged with the protection of the wild horses and/or burros are faced with severe economic budget cutbacks (approximately 4.5 million dollars cut from the 1982 wild horse and burro budget alone). This budget reduction further prohibits the federal agencies from developing management, protection, or research/communications programs that will ultimately make the wild equid programs more efficient and more effective.

Because of the misinformation regarding the heritage of the wild horses and burros (thought of as range horses that originated from escaped domestic stock), established environmental organizations have not supported the wild horse/burro movement.

V. Operational objectives:

Market research -

1. Develop a comprehensive marketing audit as a means of evaluating the previous success/failure aspects of the Adopt-a-Horse/Burro program to date.
2. Develop a comprehensive dual-questionaire for those individuals who have already adopted a wild horse and burro (number, how used, how trained, health history, attitude of adopter toward overall program, etc.) The second questionaire would be directed toward those who were or are on the adoption waiting list. Information regarding adoption fees, branch adoption centers, waiting periods, ownership title, application procedures, etc. would be requested.
3. A second type of questionaire would be published in a horse-oriented magazine and/or horse club newsletter (4-H, Pony Club). Object of the questionaire would be to establish the potential market amid those already interested in horses and burros.
4. A third questionaire would establish a variety of biases that can be computed into the final results. Variations on the second form of questionaire would be sent to adult western horsemen's organizations, universities/colleges involved with some form of equestrian and/or animal husbandry programs, and specialty adult equestrian organizations (hunt clubs, polo, etc.)

5. A fourth questionaire would be available at adoption sites to establish immediate client response to the program.
6. A randomly selected number of news outlets would be polled to establish their complicity in marketing the wild horse and burro adoption program.
7. Initiate a series of articles for publication in non-equestrian magazines and newspapers. If agreeable with the editor, include a questionaire to be printed with the article designed to solicit market reaction amid those ignorant of the adoption program. The articles should stress how and why the animals are gathered, adoption procedures, and successful utilization of adopted animals. Syndicated television programs (PM Magazine, talk shows, etc.) and network news programs will be invited to participate in the development of marketing information about the program.
8. With material generated from the public exposure, assess and prioritize incoming information as a means of formulating program strengths and weaknesses.

Resource development -

1. Federal government applied research grant or contract to develop a marketing plan for the Adopt-a-Horse/Burro program. Application will provide a two-year salary base for the CEO.
2. Corporate grants for research expenses and contributions of equipment (office, means of transportation, publications, etc.)
3. Establish a private-giving program to (a) fully utilize the board of directors to develop a program of private and corporate giving, and (b) propose a direct mail campaign to fund additional or future projects effective once the contract/grant expires. If the contract/grant is not secured, the feasibility of a direct mail campaign will be re-evaluated.
4. Develop a service program
    a. Speaker's bureau charging $125/lecture plus expenses; service club type lectures will contain a strong pledge solicitation.
    b. Encourage an association/affiliation membership program (see separate heading). Membership would include a quarterly newsletter with $25 subscription. Reproduction service for copies of special reports (masters and doctorate dissertations, etc.) will be made available to association members at a 50% savings.
    c. Provide government consulting services under contract to the western district offices of the Bureau of Land Management and Forest Service.

5. Special events
    a. Encourage horse shows and other events either as a primary fund raising program or as a display at other horse shows or other equestrian events. The Center for Wild Horse and Burro Research will supply a guideline kit for conducting equestrian fund raising events.
    b. Concerts. Performers of the various arts (musical, performing actors, artists) will be encouraged to conduct fund raising programs/performances to benefit the Center for Wild Horse and Burro Research.
    c. Fund raising evenings would be conducted as a local social event to stress the advancements being made by the Center toward accomplishing organizational goals. Patrons would be solicited to help finance future programs being planned for the Center for Wild Horse and Burro Research.

Planning schedule -

Please turn to the enclosed bar-graph indicating approximate schedule for the two-year preliminary development/research program.

Evaluation of program -

1. Changes in numbers of adoption inquiries.
2. Changes in numbers of adoptions.
3. Changes in media/press acceptance of the program.
4. Increase of organizational fiscal capabilities.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

1514 (250)

Memorandum

JAN 27 1983

To: Linda DeRamus, Contracting Officer (851)

From: Chief, Division of Wild Horses and Burros

Subject: Unsolicited Proposal From Alan J. Kania

We have reviewed the attached letter received from Mr. Alan J. Kania on January 18, 1983, proposing a "Marketing/Planning Audit" of the Bureau of Land Management's (BLM's) Adopt-A-Horse and Burro Program. Although it does not meet all the criteria for content of proposals in BLM Manual 1514.41A, we consider it an unsolicited proposal and request for funding. While we encourage such expressions of interest, we feel that the appropriate response at this time must be negative for the following reasons, in addition to lack of funding:

1. The BLM has frequently conducted informal in-house evaluations of the adoption program, and has recently updated its procedures and public information efforts to respond to the weaknesses identified.

2. The current uncertainty associated with changes in the adoption fee, proposed sale authority legislation, and the depressed economy have resulted in a diminished adoption demand. Because the present situation is not representative, we feel that this is not a good time to assess the program and alternative marketing strategies.

3. The final report of the National Academy of Sciences (NAS) Committee on Wild and Free-Roaming Horses and Burros, which is cited in Mr. Kania's proposal, gives a low priority to research on the subject of analysis and evaluation of demand for excess equids (item 12 in priority class 4, page 10).

4. The Agencies (BLM and the Forest Service) recognized in their transmittal of the NAS report to Congress that even the research recommended as high priority by the NAS committee has been only partially completed, and that as additional funding is available, more site-specific work on herd management, habitat relationships, and population biology must receive first attention.

5. The adoption program has always been given good support in the media. We have recently directed our efforts more to farm journals, youth publications, and horse-oriented magazines to reach a selected audience. Results of these efforts are yet to be evaluated.

/s/ Richard H. Stark
Acting

Attachment

bcc: DDRF-D
250 RF
250 File Copy
250 DStark:gld:1/27/83:653-9215

Marketing/Planning Audit
CENTER FOR WILD HORSE AND BURRO RESEARCH, INC.
January 1983

I. Mission Statement

The Center for Wild Horse and Burro Research, Inc. is a Colorado incorporated non-profit corporation with federal status filed as a 501(c)3 non-profit corporation, formed for the purpose of providing research and policy information to concerned individuals, students, media/press, and/or wild horse/burro research planners. Every effort will be made to establish an objective and/or balanced means of providing information that directly relates to the management of wild horses and burros.

II. Goals and objectives

A. The Center for Wild Horse and Burro Research, Inc. was established in 1982 for the purpose of providing objective research as a means to more effectively develop management framework plans in areas that may require wild horse and burro management. The Center for Wild Horse and Burro Research, Inc. will initially not originate such studies, but will conduct an extensive study to locate and obtain all graduate studies and other reports relating to wild horse/burro management as selected by the Center's Board of Directors. These reports will be reproduced with permission from their authors and made available to research students, wild equid management coordinators, and other interested parties.

B. The Center for Wild Horse and Burro Research, Inc. will serve as an informational clearing-house, maintaining a historical and contemporary library of policies and information that directly relates to the wild horse and burro issue. Reports from participating organizations and agencies involved with wild horse and burro issues will be represented in the Center's library and will be summarized in a quarterly newsletter.

C. Through the active participation of a Board of Directors that consists of professional from government, politics, historic preservation, behavioral sciences, range sciences, and other related fields; the Center for Wild Horse and Burro Research, Inc. will be available to comment or critique wild equid management proposals that are submitted to the Board for assessment.

D. The Center for Wild Horse and Burro Research, Inc. will produce public information and educational publications, films, slide-tape presentations, and any other presentations that are authorized by the CEO for the purpose of presenting an objective and/or balanced presentation of wild horse and burro issues.

III. Markets

A. Academic - There has been a reduction in the number of graduate level studies pertaining to wild horses and burros. With the conclusion of the National Academy of Sciences, it is expected that a resurgence of empirical and scientific studies will develop.

Traditionally, academia has had a minimal interest in wild horses and burros; range management classes have recognized the conflict among wild equids, wildlife, and livestock. Collegiate studies in wildlife behavior, history, reproduction, government, etc. could be encouraged. Academia has negatively looked upon the wild equid proponents as overly emotional and with little merit. A reestablished relationship could improve the credibility of wild horses and burros through an objective analysis of wild equid-related issues.

B. Media/Press - national and local media/press representative have traditionally been interested strictly in roundups, adoptions, and overt emotional controversy. While some reporters have expressed interest in the wild equine issue, few articles have been comprehensive enough to fully represent wild equine issues. As a result, biased and/or incomplete information frequently is published or broadcasted. Screenwriters frequently depict the wild equids with emotional Zane Grey images of the wild wild west.

As an informational clearing-house, representative from the media/press will be encouraged to utilize the library research maintained by the Center for Wild Horse and Burro Research, Inc.

C. Environmental groups - traditional environmental groups such as the Wilderness Society, Sierra Club, Audubon Society, etc., have never been advocates of the wild horse and burro movement because of the controversy that claims that the equids are feral (domesticated animals that have resorted to their wild state) and not truly wild.

Animal protection groups have recently become involved with wild equid roundups and government legislative policy. No organizations have addressed the management and long-term policies involving the wild horse/burro issue. Each group has been administered in a intuitive-style of management with minimal scientific and/or objective input from organizational research methods.

D. Equestrian interests - pre-teen and adolescent interest in wild horses and burros was extremely vocal in the early 1970s but continued to decline since approximately 1975. Little outreach development has been conducted to maintain this age-group's interest. Eastern and western horseback riders continue to show a mild interest in the issue, but don't believe that there is anything that they can do as individuals to maintain the protection of the equids.

Adult riders will read information about the equids, but rarely will go as far as to write a letter to their legislators. Active involvement has not been solicited from these groups.

E. General Public - This group, making up the largest percentage of people who have an interest in wild horses and burros on public lands, falls into three categories: (1) those who thought that the previous two federal laws were sufficient to protect the "mustangs," (2) those who believe that wild equids should be commercially harvested, or (3) are totally ignorant of wild horse and burro issues. Very few commercial trade publications have addressed the wild equid situation. Wire services occasionally publish information about wild equid roundups or reports of court suits launched by animal protection groups against the Bureau of Land Management.

IV. Marketing Mix

A. Adoption of wild horses and burros

1. Administered by the Bureau of Land Management with reluctance.
2. Budget constraints have reduced follow-through supervision.
3. Roundup budget reductions conflict with range management needs and adoption demands.
4. Lack of any business/marketing applications to cost-setting or distribution planning.

B. Fiscal responsibilities

1. Arbitrary cost-setting for adopted horses and burros.
2. Conflict with equid demand by general public jeopardizes range management program.
3. Present cost of adoption is responsible for drastic drop in applications and subsequent potential failure of the adoption program.

C. Distribution

1. Several permanent adoption centers established, primarily in western states.
2. Secondary centers established as required by adoption demands.
3. Some private adoption programs have been organized, utilizing equids from nonprofit land herds. Private adoption programs with public land herds are generally prohibited due to ammendments that were made to PL 92-195 in 1978.

D. Communications

1. Government promotion of services limited to public service spots on television, local BLM public affairs contact with news media notifying public when equines are available for adoption, and some publication brochures and/or press releases.

2. Publication communications has basically been directed at horse-oriented people. Minimal communications has been developed with the general public, resulting in public opinion and legislative ignorance of issues relating to the adoption program.

V. Marketing plan for the Wild Horse and Burro Adoption Program

  A. Agencies involved:

    1. Bureau of Land Management and the Forest Service
    2. Other federal agencies not included in PL 92-195 but on whose land wild horses and burros roam.
    3. Animal protection organizations
    4. Environmental protection organizations
    5. Center for Wild Horse and Burro Research (in the role of coordinate/policy facilitator)

      a. Selection of active board of directors designed to bring recognized authorities in disciplines applicable to federal land use, wild horse/burro management, legislative development, and business principles.

      b. Encourage public and nonprofit sector participation in policy review in an effort to establish an objective and/or balanced assessment of wild horse/burro issues.

  B. Consequences: Previously, policy development was conducted in several formats. The current management dilemma indicates a lack of efficiency in the previous attempts to establish policy:

    1. National Wild Horse and Burro Advisory Board - established during the Nixon administration, it was successful in identifying broad issues, but the board was dissolved during the Carter Administration before a conclusive policy could be established.

    2. Animal protection groups - a splintered and uncoordinated effort is being made to cosmetically solve the wild horse/burro situation. Each group has publically expressed a willingness to work toward solutions, but have been unable to find a coordinating means of addressing the issues.

    3. Federal agencies - experiencing drastic financial cutbacks, are faced with a diminishing ability to spend the resources necessary to coordinate the various factions needed to develop a comprehensive wild horse and burro policy.

    4. The Center for Wild Horse and Burro Research - will enthusiastically solicit recommendations and participation in establishing wild equid policy from the public sector (U.S. Department of the Interior and other agencies on whose land

the wild horses and burros roam), private sector (energy development and livestock agencies sharing federal land where wild horses and burros roam), and the nonprofit sector (animal and environmental organizations).

5. Legislative and media/press - coordination of the myriad of concerns and issues will be beneficial in an objective and/or balanced presentation of facts and issues to public opinion leaders.

C. Timetable: Because of the diversity of organizational structures that will be involved, specific deadlines will be difficult to establish. The Center for Wild Horse and Burro Research will help direct and facilitate the flow of communications as a means of maintaining the objectives of the program.

Because of the current lack of a formal means of addressing solutions to wild horse and burro related issues, subsequent issues will arise during the course of investigation. The Center for Wild Horse and Burro Research will triage each issue and establish a priority value for the purpose of maintaining an efficient means of addressing each issue.

The first issue will be the wild horse and burro adoption program on public and other federal land. Expected time-frame will be 24 months, depending upon the prompt response to issues by participants in the planning program.

D. Cost of implementation

Most of the nonprofit organizations currently involved with wild equid concerns are not financially solvent. All federal government agencies wild wild equids have experienced substantial departmental cut-backs of personnel and fiscal resources directly related to the equids. Government contracts and/or grants will be solicited to commence the studies.

Funds from private citizens (specifically those with equestrian sympathies) will be encouraged to match or exceed foundation grants, organizational contributions (public land users), government research and development grants, and corporate contributions (specifically equestrian-related industries and energy development firms).

Administrative costs will be applied to the salaries of the CEO and secretarial assistance, office-related expenses, transportation, and publciation/distribution of information. Cost savings to public and private sectors would include avoidance of legal costs (previously both sectors have been drawn into numerous legal battles over issues that will be addressed by the Center for Wild Horse and Burro Research), and administrative resource commitments.

VI. Program Evaluation

Due to the cooperative nature among the three sectors, response as to the success of the program will be immediate from a policy perspective. Success/failure of the implementation will be verifiable by computer assessment of Adopt-a-Horse/Burro applications and placement.

**INTERNATIONAL SOCIETY
FOR THE
PROTECTION OF MUSTANGS & BURROS**

11790 Deodar Way Reno, Nevada 89506
Telephone: (702) 972-1989

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John W. Reilly, Treasurer

My name is Helen A. Reilly, President of the International Society for the Protection of Mustangs and Burros, with headquarters in Reno, Nevada.

Please consider this as my written testimony, and oral testimony will be given within the time allotted to John Borzea, Executive Vice President, before the eminent members of the hearing in Rock Springs, Wyoming on March 19, 1983.

We have been involved in the struggle to obtain protection, control and management measures in behalf of wild horses and burros for over twenty-seven years. ISPMB spearheaded the successful drive for legislation passage of the Wild Free-Roaming Horse and Burro Act of 1971, which should have been a happy ending for the animals. It wasn't!

There has been some diversion from the mandates of the 1971 Act; the Federal Land Policy and Management Act of 1976 permits the use of helicopters in gathering of wild horses and burros, which is more efficient and less stressful to the animals. The Public Rangelands Improvement Act of 1979 allows the federal government to give title (after one year) to horses and burros adopted by individuals. That helped place more animals.

More than 42,000 wild horses and burros have been adopted, to date. True, the adoption program has had its percentage of failures, but no one talks about all the successes. We happen to be in a position to know. It is only the mistakes that are blown up and exaggerated. The program virtually came to a stand still when the $200 adoption fee became effective, January 1982. In January 1983, over 1,200 wild horses and burros remained unadopted at BLM's various adoption centers, and costs of maintaining these animals are increasing, giving the BLM an excuse to "push" for an amendment to allow the sale of excess wild horses and burros. The program worked and still can work, with flexible adoption fees. The adoption program is vital to the effort to bring some control to the wild horse and burro population. In truth, our efforts must be increased in that direction.

FOUNDED IN 1960

Mismanagement of the program by BLM has created the problems we face today. We are gravely concerned because we do not have any management plans now that guarantee a safe future for the wild horses ... a plan which would perpetuate viable herds in a manner compatible with wildlife, livestock and resources. The wild horse and burro herds must be controlled to protect the rangelands for themselves as well as wildlife and domestic livestock, but slaughter them? NO!

Since it is obvious amending the 1971 Law to allow sale of excess wild horses and burros would send most of the animals to slaughter would reopen the present protection for these animals to the kind of abuses of the past when slaughtering of these mustangs created a shameful episode in Western history, that the 1971 Law was designed to halt. We are totally against sale of the animals on the open, commercial and public market for any reason at any time. Under this amendment, wild horses and burros could become only a legend much faster than we thought!

The National Academy of Sciences final report declared BLM census counts to be erroneous. Yet, BLM is using it's over-estimate figures to convience Congress and the public that the horses are overtaking public lands. No one seems to be screaming about the 5.3 million livestock, about the 2.5 million deer population, nor the 750,000 member antelope herds on the same land.

Enactment of legislation as proposed in S. 457 would negate the 1971 Law. Emasculating the law as proposed, by opening the door to commercial slaughter by sale without restrictions, will only lead to a repetition of that abhorrent era that resulted in removal thousands upon thousands of wild horses from our public lands, this time with the blessing of Congress.

We oppose the amendment to allow sale of excess wild horses and burros as a deterrent to over-zealous control measure if permitted, would be a potential for complete elimination. Regardless of the reasons of special interest groups, there can be no justification for the cruelty and ruthlessness which characterize the sale of wild horses and burros, nor any excuse for the lethargic people who are in support of this amendment.

S. 457 allows too many loopholes for abuses by those opposing the interest of the wild horses, and if passed, would enfold those abuses in the protective cloak of legality. We cannot in good conscience support S. 457, nor can we sit by and allow the public to believe that it is the answer to the situation.

It is difficult for one interested in wild horses and burros to be critical of any sponsor of a bill believed to be of help to the program, but it is because of my interest, I must set forth my comments. It is my opinion that S. 457, as it now written, spell disaster for the wild horses and burros. I am quite optimistic that if the public and Congress both focus on this they won't allow it, because there is extraordinary public consensus they DO NOT want the 1971 Act weakened!

The fate of most of the animals from the BLM corral to the packing plant cannot be assuring as Section 3 (2) (C) of the bill does, that the animals will be "subject to all State and local humane laws, and all Federal humane laws" other than this Act. There are no federal humane laws that deal effectively with horse related problems, particularly the problem of humane transportation of equines to slaughter. In reality, there is relatively little protection afforded to horses under existing humane laws.

ISPMB is definitely in favor of an Advisory Board. An Advisory Committee must be appointed, and although it is to serve without renumeration, its members are to be provided with per diem expense allowances. We believe that a board comprised of representatives of each interest involved (range management, wildlife, fish and game, domestic livestock, wild horse and burro preservation, humanitarianism, economical factor) would be an equitable basis for committee appointment.

We owe it to those who have supported our endeavors for these many, many years, and to the wild horses and burros who have inspired that support, to obtain the best program in their behalf that is humanly possible to devise. To allow the sale of excess wild horses and burros for slaughter is not in their best interest. Anyone who remembers the bloody purge of the 1940's and 1950's, when massive range-clearance programs were carried, can understand why this door MUST NOT be opened again!

We appreciate this opportunity to submit our views and urge this subcommittee to defeat S. 457.

Safari Club International

DONALD E. SANTARELLI
LEGAL COUNSEL
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WASHINGTON, D.C. 20036
202/466-6800

STATEMENT SUBMITTED FOR
THE HEARING ON S.457
BEFORE THE
SENATE SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER
APRIL 11, 1983

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The Safari Club International ("SCI") is a sportsman's group dedicated to the conservation of wildlife, the preservation of sport hunting, and the protection of hunters' rights. SCI represents the views held by our more than one million sportsman members, affiliates, and associates. We sincerely appreciate the opportunity today to present SCI's views on S.457 -- legislation to amend The Wild and Free-Roaming Horse and Burro Act of 1971.

The Wild and Free-Roaming Horse and Burro Act of 1971 was designed at that time to protect the few wild horses and burros remaining on the public lands in the West. Since then, however, the population of feral horses and burros has literally exploded to nearly 70,000. Although the Department of Interior and Agriculture have been authorized to remove and dispose of excess animals, the agencies have been somewhat reluctant to fulfill these requirements, with the exception of the successful "Adopt-A-Horse" program.

Unfortunately, the adoption program is becoming increasingly expensive to maintain. Most importantly, though, the "Adopt-A-Horse" program has simply not kept pace with the prolific reproductive capacity of the wild horse and burro herds. These animals have expanded their numbers to such an extent as to cause considerable damage to the delicate natural ecosystem of the desert Southwest.

The greatest single danger to wildlife is the irreversible loss of habitat. Most habitat destruction is directly attributable to some type of economic development. However, here is a situation, being no less grave, caused by the uncontrolled population increase of an exotic and feral species. SCI has collaborated with the Sierra Club's Southern California Regional Conservation Committee to produce a film documenting the environmental damage to the desert Southwest caused by the overpopulation of wild horses and burros. The wild free-roaming horse and burro herds are wreaking destruction upon the natural habitat of many native wildlife species, including the antelope, mule deer, and, particularly, the desert bighorn sheep. The survival of these and other species is threatened, and the entire desert ecosystem is at stake.

Therefore, time is of the essence. The Wild Free-Roaming Horse and Burro Act must be amended to direct the Departments of Interior and Agriculture to implement alternative population control methods. It is imperative that the number of wild horses and burros in the West be reduced. S.457 poses much promise as an appropriate vehicle to reverse this deterioriating condition.

The Wild and Free-Roaming Horse and Burro Act of 1971 eliminated any possibility of the Departments of Interior and Agriculture from making a legal profit from wild horses and burros by prohibiting their sale. S.457 would rectify this by allowing the agencies to sell excess animals for which foster homes cannot be found. Revenue gathered from the sale of such wild horses and burros would be returned to the Bureau of Land Management and the U.S. Forest Service for proper management and research of wild horses and burros.

Funds which are supposedly earmarked for the removal of such excess animals are presently being employed to maintain and feed the excess horses and burros in the corrals. This is an inappropriate and inefficient allocation of very limited financial resources. Moreover, this diversion of such funds only serves to compound and thwart any genuine attempts at habitat improvement. Therefore, it is essential that the agencies be granted the authority to sell excess animals.

Current management of wild and free-roaming horses and burros has not kept pace with their prolific population growth. As a result, the public rangelands continue to deteriorate at an alarming rate. SCI never wishes to see the wild horses and burros -- symbols of the American free spirit -- disappear from the desert Southwest. We also cannot afford to allow the destruction of the habitat to continue, as it is shared by many wildlife species, including the feral horse and burro. Changes in the management and control of the wild horse and burro herds are imperative.

S.457 represents an appropriate and useful means by which an ecological balance of the desert Southwest may be pursued and restored. Inasmuch, the Safari Club International strongly endorses S.457 and respectfully urges the Members of this Subcommittee to support this legislation.

Statement

of

FLOYD W. FRANK
DEAN OF VETERINARY MEDICINE
UNIVERSITY OF IDAHO

For entry into the record of testimony
Before the

Subcommittee on Public Lands & Reserved Waters

ENERGY & NATURAL RESOURCES COMMITTEE

U. S. SENATE

Regarding

S. 457, Control of Wild Horses and Burros

April 20, 1983

Mr. Chairman and members of the subcommittee:

My name is Floyd W. Frank. I am currently Dean of Veterinary Medicine at the University of Idaho. I am a former member (5 years) of the National Advisory Board on Wild and Free-Roaming Horses and Burros, and for one year was Chairman of that Board. The Board was set up to be advisory to the Secretaries of Agriculture and Interior, specifically concerning implementation of the Wild Horse and Burro Act.

I am presenting this statement in order to provide the Committee with background information on the deliberations and recommendations of the National Advisory Board on Wild and Free-Roaming Horses and Burros which were supportive of the intent of S. 457 .

The Committee's activities initially were primarily involved with the development of rules and regulations concerning the implementation of the Wild Horse and Burro Act, and later became involved in assessment of the effectiveness of wild horse and burro management under the Act. During my tenure on the Board, the Board visited a number of wild horse and burro "ranges". After a number of such visits or tours, it became apparent that wild horse and burro numbers were increasing at these and many of the other localities. The increased numbers of horses were causing damage to the land resource, damage to the plant resource, and through competition for water and feed were effecting drastic reductions in populations of wild species including birds and mammals. At the various hearings which were held at the different locations associated with these wild horse and burro sites, various individuals representing a variety of groups concerned about the environment, concerned about game animals and even bird life made presentations urging more effective population control. Even then, ten years ago, it was apparent that some of the provisions of the Act, and the regulations which implemented the Act, effectively prevented the Agency from managing wild horses and burros in a manner which minimized damage to the land resource and the plant life on that land. The results were soil erosion, long-term loss of valuable forage species, and decreased populations of many species of animals.

As a result of these observations, the Committee voted to support two changes in the Act: 1) to allow the use of motorized vehicles in the management of wild horses, and 2) to allow the sale of surplus wild horses for the highest use. The vote on the latter (sale of surplus wild horses) was unanimous. The Congress responded to these recommendations which were made by a committee composed of the horse protectionists, including Wild Horse Annie, environmentalists, and representatives of the scientific community, by implementing the first recommendation concerning use of motorized vehicles in management of these animals, but has only allowed the agencies the options of destroying surplus animals or adopting them under restrictions which severely restrict the adoptee's options in terms of further disposition of the animal. I want to re-emphasize that Wild Horse Annie voted for a change in the regulations which is essentially the same as the provisions of this bill. I would urge the Congress of the United States to do likewise.

In concluding my statement, I would further comment on the large number of hearings which the Committee on Wild and Free-Roaming Horses and Burros held throughout the United States. When these hearings were held in areas where wild horse herds are located, the testimony presented by ranchers, environmentalists, sportsmen and others would very nearly add up to a mandate for more effective control of wild horses and burros. Only when hearings were held in the East, specifically Washington, DC, did the overall tenor of these meetings change to one of allowing wild horse numbers to increase without regard for the other resources and animal species. I would also remind the Committee that, in my opinion, the opposition to this bill is an excellent example of how a vocal minority can subvert the common good to the will of the few. I feel that the Congress in its wisdom and in its desire to protect public land resources, and to maintain a healthy herd of wild and free-roaming horses and burros must implement the provisions of Senate Bill 457.

WYOMING
EXECUTIVE DEPARTMENT
CHEYENNE

ED HERSCHLER
GOVERNOR

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orig.

1983 APR -5 PM 3:29

March 25, 1983

The Honorable Malcolm Wallop
U.S. Senator
Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

I am writing in response to your request for testimony on S. 457, a bill to further amend Public Law 92-195, commonly referred to as the Wild Free-Roaming Horse and Burro Act of 1971. As you are undoubtedly aware, wild horse populations in Wyoming have grown significantly since passage of the 1971 Act. This rapid buildup of horses is causing unwarranted rangeland resource degradation and unneccessary forage competition with livestock and wildlife. Something must be done to resolve this unacceptable situation. In particular, the Bureau of Land Management in Wyoming should receive emergency funding and staffing to immediately reduce the number of wild horses in Wyoming to, at a maximum, the population levels which existed in 1971. Moreover, these reduced wild horse populations should be restricted to only those areas of public lands which were inhabited in 1971.

While legislative changes such as those contained in S. 457 may be desirable in the long-run, I think that increased funding and staffing for existing BLM wild horse roundup and adoption programs deserve immediate Congressional action. We need to get these excess horses off the range as quickly as possible! I am concerned that debate over certain provisions of S. 457, such as the proposed sale authority, could take months due to the emotionalism inherent in this matter. Meanwhile, the inadequate funding of BLM roundup activities will allow wild horse populations on Wyoming rangelands to increase while the exorbitant adoption fees and program red tape will insure an additional backlog of horses in the corrals and adoption centers. I would think that both Congress and the Administration would recognize the emergency nature of this situation and take appropriate action.

For starters, I would direct the BLM to reduce their adoption fees back to the 1981 level of $25. In August of 1982, I wrote to Director Burford voicing my opposition to the proposed adoption fee of $200 per horse and $75 per burro. I told him that the proposed fees were entirely unreasonable and unwarranted. I also suggested that if the BLM is sincere in wanting to control the number of wild horses presently devastating the range in the West, that it should consider further subsidizing individuals wanting to adopt these animals. Maybe we should be paying people to adopt these horses just so we can get them off the range.

The BLM's concern about recovering more of the Adopt-a-Horse program costs so as not to "subsidize" the individuals who benefit from the adoption program via eventual ownership of adopted horses is ridiculous. Right now, Wyoming's livestock and wildlife interests are "subsidizing" the Congressionally mandated wild horse program because they are being forced to accept deteriorating range and forage conditions and absorb gazing allotment adjustments due to the overpopulation of horses. Moreover, this overpopulation is adversely impacting intermingled state and private lands, which is inexcusable. Congressional and agency concern for this unfair form of subsidy should translate into expending such monies as might be necessary to round up the excess horses and providing whatever inducements are necessary to move the horses through the adoption centers.

According to BLM figures, over 10,000 animals were adopted in 1981 under the $25 fee schedule. This number was halved to some 5,000 animals under the 1982 increased fee policy. In January 1983, over 1,200 excess wild horses and burros remained unadopted at BLM's various adoption centers. Further, funds allocated for the capture and removal of excess animals are now being spent to provide feed and care for these unadopted horses and burros. Such a situation should not be tolerated. I am aware that the BLM has recently reduced their adoption fee for wild horses to $125 per horse. However, I still think the fees should be lower if not removed altogether.

I note from news coverage of your Rock Springs hearing that several wild horse protection groups expressed concern over the sale authority provision contained in S. 457. I understand that, under the current law, excess animals can be destroyed if no qualified adopters exist. I also understand that the BLM is reluctant to destroy these animals due to likely adverse public reaction. I would think that large scale sales would solicit similar adverse public reaction so the BLM may be reluctant to follow that route as well, even if authorized. Nevertheless, if sales authority will result in the timely removal of excess wild horses and burros and not in further delay, study, or litigation, then sales authority should be granted.

I also note that the BLM's management of the Adopt-a-Horse program was criticized at your recent hearing. It would seem to me that if the wild horse preservation groups think they can run the program more efficiently and move more horses off the range, then they should be given an opportunity to run the program on a trial or limited basis. These groups should also be asked to assist in publicizing the program. Anything that will remove excess wild horses from the range and help control furture population levels is worth a try.

In summary, I believe that Congress and the Administration should immediately address the unprecedented buildup of wild horses and burros on western public rangelands. The estimated 17,000 wild horses and burros which roamed the public lands when the 1971 Act was passed have increased to about 60,000. We should use every tool we currently have to remove these excess horses, backed up with increased funding, staffing and innovative cooperative efforts with the various interest groups. Once this initiative is underway, we should consider the longer term program management needs and potential improvements suggested in S. 457.

Thank you for the opportunity to provide my perspective on this pressing issue. Please include these comments in the Hearing Record.

Yours sincerely,

EH:pcl

cc: The Honorable James A. McClure
The Honorable Henry M. Jackson
The Honorable Morris K. Udall
The Honorable Sidney R. Yates
Mr. Bob Burford
Mr. Max Lieurance
Mr. Bob Grieve

FOR THE HEARING RECORD

Rec'd MAR 14 - 1983

WRITTEN TESTIMONY

I am opposed to Senate Bill 457 which is very damaging to the Wild Horse and Burro Act.

There has not been enough advertising of horses and burros which are available for adoption. I have learned from first-hand experience that advertising works.

Horses and burros should be advertised over the loudspeaker at fairs and rodeos. The Central Wyoming Fair alone draws thousands to Casper.

Just one sentence would need to be read out loud or written in newspapers. This sentence would tell the numbers of animals available, the cost and where information can be obtained about adopting them. Advertising can be very low cost or no cost.

It would be appalling to send part of our Western heritage to slaughter. There are better ways in which to reduce numbers. The unadoptable should still be disposed of by a veterinarian.

Marjorie Lawson

Marjorie Lawson
3350 Arroyo Drive
Casper, WY 83604
Phone 307-234-5512

Rec'd 3-14-83

Senator Malcolm Wallop:

For the hearing record:

I am a member of the local humane society. For three months we have been featuring the adoption of wild horses we have sent out more than 60 application forms. Hopefully most of these people will adopt a horse. Let me ask you---- why was the fee $200 until time of the hearing? Then it was dropped to $125------many of these horses would have been adopted at the $125 rate earlier---- as it turned out we were able to send out many forms anyhow---- due to publicity and advertising.

I strongly opposed any measure which permits the governmen to sell these animals at auction ----- not when there is so much evidence that it is just to satisfy a few ranchers who se to forget that there are thousands of us ordinary citizens who want them to roam free.

Rosemary Pippin
Box 299
Laramie Wyoming 82070

Rec'd
3-16-83

S.D. Owens
140 Hopi Circle
Green River, Wy.
82935

Senator Wallop,

I am writing in regard to the B.L.M. wild horse program. I think that everyone is in agreement that the program is not cost effective. I have some suggestions which have probably already been brought up, but which I think have merit.

First of all there are alot of people in Wyoming that have, in the past, run and caught wild horses, and enjoy doing it as a sport. Under the present laws we are unable to persue this sport, which has been a tradition in Wyoming for well over a century.

My proposal is this; run the B.L.M. wild horse program in much the same manner as the Wyoming Game + Fish run their wildlife managment programs, in particularly the Elk herd managment program. The BLM knows how many horses they have in each area, and how many horses each area can support. They could issue permits for the number of excess horses in each area. These permits could be issued by a drawing preceedure (like the Game + Fish limited quota Elk permits). The holder of a permit would then be entitled to persue and ~~[illegible]~~ capture 1 horse per permit, after which the horse would be legally theirs. This would save the government round-up fees, veterinarian fees, boarding costs & processing costs, as well as make a source of additional income by charging a minamal fee for the permits The method of persuit and capture (by this I mean the use of airplanes, motorvehicles, saddle horses, catch pens etc.) could be regulated by the B.L.M. in the best interest of the horses.

There are many of us pleasure horsemen and livestock people that enjoy the sport of catching wild horses. You could restore to us this heritage and save the government a considerable amount of money by doing as Pres. Reagan has suggested many times, letting the private citizens help.

I do sincerely hope that you will take into consideration my suggestions.

Sincerely

OD Owens

March 8,1983

S. 457

The Honorable Malcolm Wallop
U.S. Senator
Washington,D.C.

1983 MAR 14 PM 3:24

Honorable Sir:

Since I will not be able to be at the Rock Springs meeting to give testimony regarding the sale of Wild Horses by the BLM I will convey my convictions through this means. Be it Known:

a.That I would much prefer that wild horses not be sold by the BLM.I fear that it would simply open the "flood gates." for the myriad of horse runners who are waiting in the wings.I know that would be against the law,yet in the vast areas of the west it would be almost impossible to control.Just last year a number of men from the Baggs vacinity were able to round up hundreds of horses before one of the wives of the runners made it know to BLM. I am definitely opposed!

b.If the Government succeeds in getting passage of such a bill,which I do not favor,then,I would say that it had better find some "iron clad" way to keep the illegal horse runners and sellers from operating or within five to ten years there will no longer be wild horses and one of our great heritages will be lost.

c.Once the horses are gotten down to the management levels this will not be the problem that it is now.It is a problem only because the Government neglected it s responsibilites from the very beginning.I have lived through this whole crisis and it need not have been that at all.Had the BLM and the ranchers supported the proposed management from the beginning this crisis from the very beginning, would never have arisen.Now to put a rancher in charge of the BLM is somewhat like asking a cat to guard the saucer of milk.A grazing board,incidently,composed of a majority of ranchers is a miscarriage of justice.Where are the other interests of mulitiple use?

D.The BLM is doing a good job at the present time and in my estimation can get the job done if the adoption fees are lowered.

Thank you for your attention and consideration.

Sincerely,
F.J. Schwieger
Floyd J.Schwieger
148 Spring Brook Dr.
Evanston,Wyoming 82930

ROCK SPRINGS MAR 14 1983

March 8, 1983

Dear Senator Wallop:

I understand there is to be a field hearing in RockSprings regarding the destruction of wild horses in the western states including Wyoming, our state. The information that I've been given is that 6,000 horses are to be destroyed in Wyoming! ! Can this be true ? Surely not ! If this is the case, I wish to voice the strongest possible protest against such a slaughter.

If the ranchers don't know of any solution except to kill, kill, kill, they don't deserve to have any kind of sympathy from Congress or anyone else.

I get so weary of people being massacred and animals destroyed, that I can't help wondering what human mentality is regressing into, today.

Don't let these cretins who are instigating this, influence you in any manner that could harm the animals. Please use all of your resources to stop any disgraceful movement of this sort.

Sincerely,

Sarah L. Hren

Mrs. Frank S. Hren
114 N. Montana Ave.
Casper, Wyoming
82609

CASPER HUMANE SOCIETY

MEMBER OF HUMANE SOCIETY OF UNITED STATES
AND HUMANE FEDERATION OF WYOMING
"Dedicated to the cause of prevention of cruelty to all animals"

CASPER HUMANE SOCIETY
260 ~~165~~ CRESCENT DRIVE
MOUNTAIN VIEW ADDITION
CASPER, WY. 82601

March 8, 1983

Dear Kate DuPont,

I am writing in regards to the killing of 3,000 wild horses in Rock Springs. Could you please give me some more information on this.

I hate to see this done, why don't they lower the adoption fee so more people can afford them like me for instances.

Any way could you send me some more information on why these horses have to be destroyed.

Kennel Manager
Gayle Sharp

Richard H. Wagner
9917 E. Pershing Blvd.
Cheyenne, Wyoming, 82001

Rec'd 3-11-83

9 March 1983

Subject: Proposed Amendment to the Wild Free-Roaming Horse and Burro Act

To: HON MALCOLM WALLOP
U. S SENATOR
C/o ROCK SPRINGS DISTRICT Office
2632 FOOT HILL BLVD
ROCK SPRINGS, WYO 82091

FOR THE HEARING RECORD

I, for one, feel it is essential to put the so-called "wild horse problem" into its proper focus. If one were to believe all that one reads it would appear that wild horses are so numerous as to be pests and, along with the coyote and jackrabbit, are driving the much abused rancher to the poor house. This is nonsense, as the following table will show.

Computations of Wild Horse Public Land Utilization

State	Wild Horse Population	Lands Owned by Federal Govt.	Acres per Horse
California	3,320	46,702,000 Acres	14,066
Utah	1,330	33,530,000	25,210
Wyoming	9,000	30,330,000	3,370
Nevada	26,050	60,506,000	2,322
Oregon	3,270	32,314,000	9,881
	Σ42,970	Σ203,382,000	$\bar{x}$ = 4,733

The above table covers only the top five states in wild horse population. If the other western states with only a limited number of horses and with vast areas of public lands were included the picture would be even more startling. In this regard, it is hard to understand BLM's January, 1982 population estimates that show, for example, New Mexico with a wild horse population of 80, vast public lands, and a desired management level of 35 horses, or Utah with a population of 20 burros and a desired management level of 10. (!!) I have enclosed a copy of this production for your edification and it is immediately obvious that the "estimated management level" is not derived from any scientific data but is merely a plan to reduce the estimated wild horse and burro population by half.

I further believe that the Table in the first paragraph of this letter effectively demonstrates that, with an average density of one horse for every 4,733 acres, attributing any serious range damage to the wild horses/burros is sheer nonsense. Another statistical analysis can be made that supports this view. If we assume that the livestock distribution follows the same pattern as land ownership, i.e. if 50% of all land in a state is owned by the federal government, then 50% of all livestock is grazed upon federal land, we can get some idea of the livestock population per 10,000 acres of public land. This comparison is made in the following Table.

Average Animal Population per 10,000 Acres of Public Lands

	Cattle	Sheep	Wild Horses	Wild Burros
Nevada	91	22	4.0	0.2
Utah	166	125	0.4	0.0
Wyoming	232	13	3.0	0.0
California	475	120	0.7	1.0
Oregon	284	84	1.0	0.0

The above Table leads me to believe that the primary cause of damage to our public lands is over grazing by cattle and sheep. Once this occurs, the wild horses may contribute to the problem, but only in a very minor way. The solution is to control the domestic livestock, as well as the few wild horses that are out there.

The proposed amendment does nothing to resolve the primary problem of overgrazing by the livestock interests and effectively removes the wild horse from any protection. Specifically:

> Sec. 3 (a) puts the wild horse at the mercy of landuse plans established in conjunction with state wildlife agencies and (Sec. 3 b (i)) individuals, independent of the federal and state governments, who have special knowledge of animal husbandry as related to rangeland management. In effect, the hunter and rancher.

Not satisfied with this, Sec. 3 (B) (2) authorizes the Secretary in the absence of any information previously listed to take action against the wild horses on the basis of "all information currently available to him", and to "immediately remove excess animals (horses) from the range". This gives the Secretary such freedom of action as to make any reference in the Bill to wild horse protection a matter of merriment.

The requirement for the Secretary (Sec. 3 (B) (1) to maintain an inventory of all wild horses with the goal to determine whether or not an over population exists is useless and self-serving unless the Secretary is also required to maintain an inventory of all cattle and sheep grazing upon the same areas. This information should be available to the public, kept and published along with such figures as are currently published about the number of wild horses and burros roaming the public lands. There is no way an effective wild horse management plan can be devised without the full picture of all animals grazing upon a given area.

There is nothing in this Bill that would preclude livestock men from hazing or driving wild horses into a small area and then petitioning the Secretary for their removal because of overcrowding while Section 10 seems to prohibit the Secretary from returning the same animals back to their original range.

This Bill is also deficient in not providing for the humane destruction of adopted horses when so recommended by a licensed veterinarian. As it reads an adoptee must first get permission from the Secretary before destroying any animal. This is unreasonable and inhumane in cases of those animals suffering from injuries, such as broken legs, that should be immediately put out of their pain.

Further, this proposed amendment, taken in its entirety, represents a basic shift in emphasis and philosophy that I find disturbing. It is no longer a wild horse protection bill, but a bill designed to protect the rancher and the hunter against suppossed competition from a very few wild horses and burros.

I am in no way opposed to effective management of our public lands nor to the effective management of the wild horse and burro populations. I think both are essential and desirable. What I do object to is using the wild horses and burros as a scape goat for the deterioration of our public lands and then "managing" them out of existence.

It is my considered judgement that (1) the wild horse population problem is largely a myth that exists only in the minds of certain livestock interests. (2) The proposed Bill would immediately remove all protection currently provided the wild horses and subject them to the whims of the Secretary and to the political influence of the livestock interests. And, (3), is in the long run detrimental to the interests of all citizens by propagating the view that a major cause of damage to their public lands is the wild horse and burro when all informed citizens are well aware that overgrazing by livestock interests, aided and abetted by inadequate supervision by BLM, is the primary cause.

Richard H Wagner
Richard H. Wagner

Richard H. Wagner

Appendix I

Basic Data used in Analysis

Public Lands Owned by Federal Government in 1979

Nevada	60,506,000	Acres
Utah	33,530,000	"
Wyoming	30,330,000	"
California	46,702,000	"
Oregon	32,314,000	"

Percent of Land Owned by Federal Government

Nevada	86.1
Utah	63.6
Wyoming	48.6
California	46.6
Oregon	52.4

Livestock on Farms 1981

	Cattle	Sheep
Nevada	640,000	134,000
Utah	875,000	660,000
Wyoming	1,450,000	80,000
California	4,760,000	1,205,000
Oregon	1,750,000	520,000

Source: 1981 Statistical Abstract of the U.S.

Richard H. Wagner

Appendix II

Wild Horse and Burro Population Estimates

	Horses	Burros
California	3,320	4,850
Nevada	26,050	1,330
Oregon	3,270	20
Utah	1,330	20
Wyoming	9,000	0

Source: Bureau of Land Management Wild Horse and Burro Population Estimates, revised January 1982.

Revised January 1982

Bureau of Land Management
Wild Horse and Burro
Population Estimates

State	Estimated Current Population (horses)	Estimated Current Population (burros)	Estimated Management Level (horses)	Estimated Management Level (burros)	Estimated Removals Needed (horses)	Estimated Removals Needed (burros)
Arizona	150	5,600	150	1,500	0	4,100
California	3,320	4,850	1,400	1,350	1,920	3,500
Colorado	650	0	500	0	150	0
Idaho	880	20	400	0	480	20
Montana	200	0	130	0	70	0
Nevada	26,050	1,330	12,000	900	14,050	430
New Mexico	80	30	35	30	45	0
Oregon	3,270	20	2,800	20	470	0
Utah	1,330	20	800	10	530	10
Wyoming	9,000	0	3,000	0	6,000	0
Totals	44,930	11,870	21,215	3,810	23,715	8,060
Total Horses and Burros	56,800		25,025		31,775	

These estimates are based on:

(1) current inventories;
(2) information obtained through BLM's multiple-use planning system;
(3) information contained in environmental impact statements; and
(4) such additional information as may be available in local areas.

As new inventories and land-use plans are completed, these figures may change.

WYOMING ADVOCATES FOR ANIMALS

316 East Pershing Boulevard
Cheyenne, WY 82001
March 12, 1983

COPY

Senator Malcolm Wallop
Unites States Senate
Washington, D. C. 20510

Re: S.457 - Proposed Amendments to the 1971 Wild Free-Roaming Horse and Burro Protection Act

Senator Wallop:

I am here today to address proposed amendments to the 1971 Wild Horse and Burro Protection Act on behalf of Wyoming Advocates for Animals and for the International Society for the Protection of Mustangs and Burros (WAFA and ISPMB respectively).

Both WAFA and ISPMB reject S.457 out of hand.

A consortium of conscienceless members of the United States Congress, ranchers, misguided and misinformed individuals and organizations, aided and abetted by policies emanating from the current Administration, has combined in a ruthless effort to continue the false claims about the alleged damage caused to public range lands by wild horses and burros in conflict with livestock and wildlife.

We find it suspicious, to say the least, that the second and final study phase of the contracted-for project released by the National Academy of Sciences' Committee on Wild and Free-Roaming Horses and Burros, chaired by the able Fred Wagner, well in advance of the deadline and forwarded to Secretary of Interior Watt for subsequent release to the U. S. Congress was not done so until close to the filing date of the proposed S.457.

We strongly suspect the delayed release of the NAS study was an effort to give time to drafters of laws to reverse in total the 1971 Protection Act based solely on the fact the NAS study bore out what protection proponents have claimed for years; namely, that the wild horse and burro are not, and have not, competed to the excessive extent claimed by ranchers, and that even in their present numbers will not be able to compete as claimed.

We further suspect bad news was relayed in that long-expected study report that indicated the second of the crucial points wild horse proponents have also claimed through a number of years that the excessively exaggerated numbers of wild horses on the public lands is, and has always been, just that: grossly overexaggerated.

Exaggerated and fraudulent claims - to cover up the real truth: the vast overgrazing by the livestock industry of the public lands made available to that industry.

An industry which traditionally, and yet today, looks on the public lands of the western states as their exclusive property, theirs alone, to do with as they please.

To quote from THE ANGRY WEST authored by Governor Richard Lamm of Colorado and Michael McCarthy, an eye-opening book published in 1982, "The damage is everywhere. Desolation has begun to creep across every area in the West, sapping the arid land's ability to sustain life, sapping the vitality of those who depend on it for life."

To continue:

> "In Nevada, where grazing privileges exceed the range's carrying capacity by 37 percent, overgrazing is common." (Emphasis ours.)
>
> "But the increase of desert conditions has not deterred cattlemen from further exploiting the range, nor has it prompted BLM to cut back allotments. Near Tucson the San Pedro and Santa Cruz basins are turning to dust--and again the primary reason is overgraging. In Idaho, near Challis, desert encroachment is as acute as anywhere in the West. Forty miles northwest of Albuquerque, where the Rio Puerco edges through some of the most searing, sandblasted land in New Mexico, the range is conceded by many to be perhaps the most eroded and overgrazed in all the West. (Emphasis ours.) ***** Now BLM's 492,000 acres of range are dying. Soil erosion alone, says an amazed geologist, is 'ongoing and incredible.' And again the primary cause has been overgrazing."
>
> "In Utah, where 'ranchers do not heed known facts of overpopulation on the range area,' a Utahan has charged that 'barren, overgrazed, rodent-infested lands' have resulted, all of them littered with 'the rotting and mummified carcasses of coyotes, cows, hawks, ravens, eagles, and rabbits.'"
>
> "IT IS A SORDID AND DISGRACEFUL PICTURE, AND A COMMON ONE, AND IT REFLECTS A CENTURY AND MORE OF COWBOY ATTITUDES." (Emphasis ours.)

In that same book, Native American Vine Deloria has said, "the enemy is us." "Until westerners recognize that, the reality of the West against itself, they are open to charges of hypocrisy."

We charge that hyprocrisy abounds in the efforts to exorcise the wild horse and burros herds, that truth from the rancher will never be forthcoming, the rancher can see only his view, and no other. We charge that many of the problems of the West are caused by this blindness to any view but his, and are by no means restricted solely to proponents' efforts to save life forms which have every right to exist with livestock and with wildlife as does human life have the right to exist.

Richard Wagner of Cheyenne, a horseman and owner of several wild horses, all of which have proved productive animals in every case, has taken BLM's own figures for each of the states with public range land and on Wyoming alone he has shown that (using BLM's horse numbers) each of those horses has an entire 3,370 acres to him/herself! The large number of acres in public land in Wyoming alone, using Mr. Wagner's rationale, could sustain, with proper range management, many more head of wild horses than it presently does, AND WITH NO DAMAGE TO THAT LAND.

To comment on S.457 itself, WAFA and ISPMB, as before stated, reject it in total.

It is an effort to reverse in full the 1971 protection act and if passed will effectively remove all protection from wild horses and burros and will in fact remove all wild horses and burros from the public range lands. There is no other conclusion that a horse proponent can draw from this proposed legislation.

One very damaging area would place the wild horses literally at the mercy of individuals and state wildlife agencies which have little or no specialized information about wild horse density, wild horse issues in general, in spite of claims to the contrary.

In short, the horses' survival would come down to two groups: the hunter and the rancher.

What the hunter does not realize, in opposing the wild horses, is that the rancher is not his partner. Once having succeeded in removing wild horses and burros for all time from the public lands, the rancher will then bear down even harder than in the past on "controlling competing numbers of wildlife," and if the hunter thinks otherwise, he is living in a dream world.

To further decimate the wild horse and burro populations, this dangerous legislation then clinches the deal, as it were, by allowing and authorizing the Secretary of Interior IN THE TOTAL ABSENCE OF ANY INFORMATION PREVIOUSLY LISTED TO TAKE ACTION AGAINST WILD HORSES ON THE EXCLUSIVE BASIS OF INFORMATION CURRENTLY AVAILABLE TO HIM, and thence to immediately and permanently remove excess animals (horses and burros) from the range.

Such incredible freedom of action in the hands of the present conscienceless Secretary of Interior alone will guanantee the demise of the wild horses and burro herds of America.

The NAS study has shown the BLM census figures to have been erroneous all along. It has shown, in spite of the hysterical and radical meanderings and mouthings of the ranching community which utilizes the public lands for grazing, that the horse is not competing with livestock, and in fact could not by sheer weight of numbers, if nothing else.

This bill further makes no protection available to the horses in that it would allow, and in fact by implication would perhaps even encourage and certainly condone, the livestock producer of no integrity to haze and harrass the horses from one area to another and thus claim legally under this foul legislation the Secretary of Interior could prevent the same animals from returning to their original range.

Where then would these animals go? Directly to commercial auction and slaughter.

That then is the gist of what this proposed legislation is all about: the removal of the wild horses and burros in total because of alleged and now unproven competition for grazing, and their subsequent death at the hand of knackers.

It is foreseeable that the poorly managed adoption program for allegedly excess wild horses and burros would carefully and with malice aforethought be phased out by "lack of adoptors" --again alleged--and the time will come when the animals will go directly to slaughter, not even through the nebulous funnel of an adoption program operated in all its mismanaged glory by a government agency that never wanted it in the first place.

We find it suspect too that following many months of soulful cries beginning with BLM Director Robert Burford himself that the expense of the adoption program, ranging from initial roundup to eventual adoption, has been so excessive that adoption fees had to be increased to find even a small middle-ground of cost effectiveness, when that same BLM national office has now DECREASED the adoption fee for wild horses from $200 to $125 each. And, further, plans to refund $75 to each adoptor who paid the $200 fee. Credibility? There is none.

Is this an effort by BLM to make itself look good, an effort to pretend to wear a white hat, when in fact BLM (except for individuals scattered throughout the agency who are as much against the policies as horse proponents and whose identities must forever be protected from harrassment and termination of employment) is going along with the plans proposed in S.457 in total?

We think so, we know so. The decreased adoption fee is a ploy to continue to cloud the real issues behind the efforts to "kill off the horses."

No one with intelligence, whether horse, wilderness, or other conservation proponent, can oppose effective management of public lands, including effective management of wild horses and burros. These elements are necessary.

But, as many people before us have said, and will continue to say, the wild horses and burros are being used as SCAPEGOATS for the continuing damage done to the public lands by the real culprit, the overgrazing rancher, and these elements are being combined to MANAGE the horses and burros out of existence for all time.

If S.457 passes, it will do just that, and it will, tragically, place an agency of the government in the role of broker of animal lives, in short the greatest mustanger of all time.

For S.457 will allow BLM to round up the horses and burros, will not call for a perfectly managed adoption and placement program for allegedly excess animals, and will, in a very short time, send those animals directly to commercial auction.

Auction where horse people, those who want to own and ride and humanely work the animal, will not be present, but the ghouls from slaughterhouses will be...in great numbers, aided by current figures on weight and cost per pound. There will be no money involved for these ghouls; they did not round up the animals and transport to auction, but they will buy them and pay minimal attention to humane transport and minimal amount of money for transport, thus making a nearly perfect profit out of animal lives. And the slaughterhouse buyer/operator will not be bound to humane treatment either.

The so-called Humane Slaughter Act of recent passage is not worth the paper it is written on. Inspectors do not abound in sufficient numbers to effectively check humane slaughter methods now. It will be worse as the horses and burros roll into the slaughterhouses by the hundreds. Operators will not take time to call an inspector, and abuses to the animals from the auction yard to the slaughterhouse will be overwhelmingly worse than abuses of the past which resulted in the 1971 horse protection act.

The wild horse and burro overpopulation problem is a fairy tale. It is a tale perpetrated by men who do not want to share anything with anyone, whose blind and selfish attitude pervades the West yet today, and erodes the West's credibility today as it has in the past.

Politicians and livestock producers are determined to kill off the wild horse herds and the very real desires of the rest of the populace, nationwide, are as nothing to these interests.

Real experts, not these selfish and opinionated interests, are not being listened to, and we have no reason to feel that the NAS study will be evaluated, understood, and widely and fairly disseminated as it should be. People who propose the saving of these horses and a well-managed adoption program of those that are removed are denigrated at every turn, called by terms that no polite or intelligent person can repeat except in whispers and behind a hand to a mouth.

Nevertheless, experts are correct, and even those who do not and will never understand the management story behind these horses and burros, but who simply want them left alone to exist in peace, and simply to live, insist that S.457 not only not be considered out of committee, but be killed outright in that committee, and we further insist that congressional proponents of such vile legislation cease and desist in their efforts to aid the public land user in killing off the wild horse and burro herds, not only now, but permanently.

Thank you for the opportunity to make our feelings known at the March 19, 1983, public hearing on S.457 held in Rock Springs, Wyoming.

Yours truly,

WYOMING ADVOCATES FOR ANIMALS

Jeannine R. Stallings

(Mrs.) Jeannine R. Stallings

ANIMAL CARE CENTER
Box 299
Laramie, Wyoming 82070

March 12, 198~~2~~3

For the Hearing Record
Senator Malcolm Wallop

Mar. 14-83

Sir:

We protest the plan to offer wild horses for auction and probable fate in slaughter houses.

First of all, we are not convinced that the recent study on wild horses produced accurate, The National Academy of Sciences noted that there was question, too, about the count and also various techniques by BLM in their research was not efficient.

We deplore these measures which produced the McClure Amendment in an effort to nullify the 1971 Wild Horse and Burro Act.

Further, recent information released by the University of Wyoming research in a two-year study by the UW range management, animal science and zoology personnel produces evidence that wild horses are not a threat on the range. Their diets on the Red Desert are as high as 45 percent shrubs, which cattle and other horses do not eat. Also the horses were traveling greater distants than cattle and therefore not a threat to their diet.

The recent legislature in Wyoming failed to approve a joint resolution approving the McClure Amendment---- as private citizens we also oppose this measure and strongly recommend that you do not continue to support this.

Sincerely yours,

Attn: Tony Bevinetto

S.4

1983 MAR 25

Rec'd R.S. 3-21-83

891 Garrison Street
Lakewood, CO 80215
March 13, 1983

Honorable Malcolm Wallop
United States Senate
Washington, D. C. 20510

TO BE READ INTO THE RECORD OF THE WILD HORSE HEARING, S.457, MARCH 19, 1982, ROCK SPRINGS, WYOMING

Dear Senator Wallop:

We are writing to urge that S.457 not be endorsed.

If this bill were to be passed, it would seriously weaken the 1971 Wild Horse and Burro Protection Act by removing the very protection for the wild horses that the 1971 Act was designed to provide. The McClure Amendment not only opens the way, but facilitates, auction sales of the so-called excess horses (those horses not adopted by individuals under the current program). At best, the amendment allows the all-too-human tendency to take the line of least resistance; i.e., it is far easier, less complex, less costly (presumably) to round up the wild horses and sell or auction them to the awaiting pet food industries and/or rendering plants, than to expedite applications for adoption and maintain the corralled horses, especially on the program's drastically slashed budget. The 1971 Act was created to prevent such genocidal solutions.

Also, the McClure Amendment would give the Secretary of the Interior the power to make decisions on the basis of "information currently available" as to the disposal of the wild horses. This is a dangerous premise. It is conclusive to "convenient" selection of information; convenient to whatever objectives the Administration deems fit, and in whomever's interest the Administration chooses to act.

For example -- the National Academy of Sciences recently released its independent study on wild horses and burros. It declared, among other things, that the BLM census counts were erroneous and vastly exaggerated. It also took issue on conclusions of BLM resources as to the debilitating effects upon the public grazing lands attributed to the wild horses. The McClure Amendment would seem to have totally ignored the information made available by the National Academy in preference to the questionable information provided by BLM.

In conclusion: the wild horse and the wild burro are no different than any other species of animal which, if destroyed, is irreplaceable. Congress has repeatedly reaffirmed the protection of endangered species. The McClure Amendment is taking giant strides without controls to permit the BLM to put wild horses and burros into an endangered state without offering them the protection previous legislation has provided for endangered species.

Because we have serious doubts as to the wisdom and/or sincerity of the present BLM administrators of the wild horse and burro program, we strongly recommend that an Oversight Committee be appointed to insure that humane conclusions be drawn from accurate information.

Also, if the rationale, so-called, supporting the amendment and in particular the auctioning of the wild horses for slaughter is primarily economic, why not conduct such auctions with limitations identical to those that prevail under the adoption program; i.e., sold to individuals only and not to slaugtherhouse or other mass brokers and with the same one-year delay in obtaining complete title?

Yours truly,

Elthea Peale Florman

Neal Florman

P.O. Box 54,
Pine Bluffs, WY
March 13, 1983.

REC'd 3-17-83

The Honorable Malcolm Wallop
United States Senate
c/o Rock Springs District Office
2632 Foothill Boulevard
Rock Springs, WY. 82901

RE: S. 457 Public
Hearing
March 19, 1983

FOR THE HEARING RECORD

Dear Senator Wallop,

Anyone concerned for the future of the wild horses and burros must not be fooled by statements concerning S.457. There is no way to disguise that the McClure Amendment is - in fact- designed to reverse the 1971 Wild Horse and Burro Act.

In the past, it was cowboys that would round up the wild horses and sell them to slaughter houses. Now, S. 457 would put the federal government in the business of delivering wild horses for commercial slaughter operations.

I oppose S. 457 - first of all because I object to the sale of so-called excess horses to slaughter houses, rendering plants, etc. Secondly, I object to the end result - the intent in fact- of this proposed legislation - and that is the removal of all wild horses and burros from the public land.

Instead of considering the final report of the National Academy of Sciences the BLM is pushing for the passage of S. 457. Why? Instead of making an effort to correct its erroneous gathering procedures the BLM is pushing for the passage of S. 457. Why?

We need answers to these questions.

Respectfully,
Margaret M. Haggard
Margaret M. Haggard

COPY

S.457

891 Garrison Street
Lakewood, CO 80215
March 13, 1983

Honorable Malcolm Wallop
United States Senate
Washington, D. C. 20510

TO BE READ INTO THE RECORD OF THE WILD HORSE HEARING, S.457, MARCH 19, 1982, ROCK SPRINGS, WYOMING

Dear Senator Wallop:

We are writing to urge that S.457 not be endorsed.

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In conclusion: the wild horse and the wild burro are no different than any other species of animal which, if destroyed, is irreplaceable. Congress has repeatedly reaffirmed the protection of endangered species. The McClure Amendment is taking giant strides without controls to permit the BLM to put wild horses and burros into an endangered state without offering them the protection previous legislation has provided for endangered species.

Because we have serious doubts as to the wisdom and/or sincerity of the present BLM administrators of the wild horse and burro program, we strongly recommend that an Oversight Committee be appointed to insure that humane conclusions be drawn from accurate information.

Also, if the rationale, so-called, supporting the amendment and in particular the auctioning of the wild horses for slaughter is primarily economic, why not conduct such auctions with limitations identical to those that prevail under the adoption program; i.e., sold to individuals only and not to slaugtherhouse or other mass brokers and with the same one-year delay in obtaining complete title?

Yours truly,

Elthea Peale Florman

Elthea Peale Florman

Neal Florman

Neal Florman

Senator Malcolm Wallop

For The hearing record 3-14-83

Sir:

I am opposed to any measure which leads to the destruction of the wild horse herds in Wyoming or elsewhere.

I have lived in Wyoming all of my life and have seen these horses on the range. I wonder why they are not considered as part of the wildlife of the state just as are the deer and antelope. I doubt their threat to the vegetation and water sources as claimed by a few ranchers. Cattle cause much more damage to vegetation than do the horses due to their habits of concentration in herds. This is also true of water----- they all congregate at one spot----this is not true of the horses.

Those horses are part of our heritage and I think that the people of Wyoming should have their say in the matter. During the last legislature a joint resolution for the amendment failed and I think this should give you an inkling of what we are feeling in this state about the wildlife and the environment.

Why should just a small percentage of the population--- as are the ranchers----- have so much influence in sealing the fate of these horses?

I am very opposed to this measure and will so vote my feelings in the next election.

Thank you,

Ronald S. Braun
Box 729
Laramie Wyo.

15265 [illegible] Tr.
Strongsville, Ohio
44136
March 15-1983

ROCK SPRINGS MAR 28 1983

Hon. Malcolm Wallop
U. S. Senator
c/o Rock Springs Dist Office
2632 Foothills Blvd
Rock Springs
Wy 82901

Re S. 457 Public Hearing
March 19-1983
For the Hearing Record

Dear Senator Wallop,

I am very unhappy to know that you co-sponsored by S. 457. How in all honesty allow such a bill to be passed. I for one protest.

Just why you should give the federal agencies authority to manage the wild horses & burros, is beyond me.

The truth of all this is because the ranchers want more land for the cattle and want to be rid of horses & burros. The horses were here first. The horses are the heritage of this great country. Please leave the horses & burros ~~the~~ free.

Yours humanely,

Mrs. Betty Jean [illegible]
15265 [illegible] Trail
Strongsville, Ohio 44136

FTR

-19-83

FOR THE HEARING RECORD

WRITTEN TESTIMONY

I am opposed to Senate Bill 457 which is very damaging to the Wild Horse and Burro Act.

There has not been enough advertising of horses and burros which are available for adoption. I have learned from first-hand experience that advertising works.

Horses and burros should be advertised over the loudspeaker at fairs and rodeos. The Central Wyoming Fair alone draws thousands to Casper.

Just one sentence would need to be read out loud or written in newspapers. This sentence would tell the numbers of animals available, the cost and where information can be obtained about adopting them. Advertising can be very low cost or no cost.

It would be appalling to send part of our Western heritage to slaughter. There are better ways in which to reduce numbers. The unadoptable should still be disposed of by a veterinarian.

Marjorie Lawson

Marjorie Lawson
3350 Arroyo Drive
Casper, WY 83604
Phone 307-234-5512

Honorable Malcolm Wallop, Chairman Public Lands and Reserved Water Sub Committee:

Resolution of Outdoors Unlimited, Inc.

WHEREAS wild horse and burro population on America's public lands have increased greatly under the protection of the Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195, as amended; and

WHEREAS the number of wild horses and burros exceed the level that can be supported by the resources available to them; and

WHEREAS excess wild horses and burros cause significant deterioration of public and private rangeland resources, damaging the habitat of our nation's wildlife, domestic livestock and wild horses and burros themselves; and

WHEREAS revenue from existing adoption fees is inadequate to support the removal of excess animals and any increase in fees would reduce the number of potential adopters; and

WHEREAS the Wild Free-Roaming Horse and Burro Act currently requires the destruction of excess animals for which no adoption demand exists and wastes a valuable renewable natural resource;

THEREFORE BE IT RESOLVED that Outdoors Unlimited, Inc. urges the United States Congress to consider favorably S. 2183 and HR 5825 to further amend Public Law92-195, authorizing the managing federal agencies to sell excess wild horses and burros for which no adoption demand by qualified individuals exists, with resulting revenues to be returned to the wild horse and burro program to reimburse costs and to benefit wild horses and burros remaining on the public lands and their habitat.

Respectfully submitted by

OUTDOORS UNLIMITED, INC.

By Marlene Simons, President

Rock Springs, Wyoming
March 19, 1983

Dennis H. Sun
Sun Land And Cattle Co.
Alcova, WY, 82620
March 26, 1983

Senator Malcolm Wallop
Capitol Building
Washington, D. C.

Dear Senator Wallop:

As a rancher with wild horses on our Federal lease land and also on private land, I support the basic intent of your proposed legislation, Senate Bill 457, the authority to sell wild horses and burros at public auction.

In the Rawlins-Lander District of the BLM, there are numerous pastures, along with the Red Desert, with wild horses in them. These horses in the pastures are the ones that really cause the problems for the land, ranchers and wildlife. These horses should be eliminated from these pastures, not only for the damages they cause, but also in twenty or thirty years, these horses are going to be so inbred they will not serve any service to society. There are signs of inbreeding now in these pastures. A large percentage of these horses are descendants of horses that were abandoned or turned out by various people. In the Green Mountain-Whiskey Peak area, most of the wild horses located there today came from a mare herd that was abandoned.

I would think that viable herds of wild horses under the multiple use concept would be sufficient in only one or two areas in the state. These areas would be the Red Desert or Pryor Mountains. Only in wide open spaces like these will wild horses survive and not destroy the land or themselves.

Having wild horses in only one or two areas in the state would serve the purpose of wild horses and would be much more economical for the BLM to manage. If the BLM doesn't have the money now to manage the horses, why would they in the future.

I realize that I am speaking only on a small part of the wild horse and burro issue, but these are the problems I know for sure.

Sincerely yours,

Dennis H Sun

Dennis Sun

To: The Honorable Malcolm Wallop, U. S. Senator from Wyoming

From: Kenneth and Donna McMurry, Diamond Hook Ranch, Lander Route, Rawlins, Wyoming, 82301

Subject: Senate Bill 457 relating to wild horses and burros on public lands

Date: March 28, 1983

Dear Senator Wallop:

We live on a rather isolated ranch at the foot of Whiskey Peak in the Green Mountain area. This is prime wild horse country, and they surround us on all sides. Therefore, we are in a unique position to observe these horses at close range the year around.

Most, if not all of these horses, are descendents of abandoned brood mare bunches that were left ungathered after World War II when horse prices were low and work horses were replaced by tractors and four-wheeled drive vehicles. These horses have multiplied since, and now must be at least double the elk population in the Green Mountain area.

The BLM did conduct a very efficient round-up in this area several years ago and removed 251 head. However, due to budget problems, I believe, this was the only gathering in the previous ten years. Certainly there were many of those horses which were processed using the current system which were unadoptable because of inbreeding, age or other factors.

Some facts that support the conclusion that there should be more frequent round-ups, especially of those horses which are on private lands are that besides competing for forage with wild game and domestic livestock, these horses gather at windmill water tanks and intimidate the cattle watering there, and on days with no wind, the horses will drink all the water. These wild horses also cause problems with our domestic saddle horses by fighting over the fences, and in a recent encounter, they tore out 180 feet of fence. Our mares must be kept well isolated on our place in 40 acres next to the house. Even that is no guarantee that they are safe, since several young studs have managed to jump or break through the perimeter fences and make their way into our home fence anyway.

The situation would appear that it is hard to justify maintaining wild horses in this area if the intent is for people to come to see them. We have yet to meet anyone that has made a special trip up here just to see the wild horses. We would like to add, if these horses were truly wild, and not just feral horses, no one would be able to drive close enough in a vehicle, especially a car, to watch them.

Page Two
Senate Bill 457
March 28, 1983

Since the wild horse and burro population will increase exponentially, corrective action must be taken soon to eliminate or drastically reduce the herds. Disposal of captured animals should not be limited to adoption only by the few that want them and have facilities available to care for them. A more realistic approach would be to sell surplus horses and burros at public auction for bucking horses, saddle horses or as canners whatever the age, disposition or condition of inbreeding and other factors would indicate. I see no difference between selling old or unthrifty ranch horses and selling old or unthrifty wild horses. This proposal of public auction appears that it would also provide additional funds to help defray the expense of gathering and processing adoptable horses or burros.

We, herewith, present some other feelings on the wild horse problem in our area. Running wild horses in the thirties was exciting and certainly had all the romance described by fiction writers of the period. However, since these horses are now wards of the government and pursued by an agency of the government with helicopters that's all gone. Presently, his status is slightly higher than that of the ubiquitous prairie dog. That be as it may, many people still feel we need wild horse and burro herds to preserve the flavor and asthetic view of the West, so we apparently must address the problem with that in mind since most of the animals are on public lands, but their growth must be controlled and in this day and age in the most economical manner possible. Surely even romanticists can see this. Public auction of unadoptable horses and burros would be realistic.

We have enclosed an excellent article copied from "Persimmon Hill", the Cowboy Hall of Fame publication, for fall 1978, volume 8, No. 4, which indicates that the problem was acute even then. This article presents facts and views which might be of interest to everyone concerned with the problem.

We support your Senate bill 457 although we do not have a complete copy. We do recommend that if a viable herd must be maintained, round-ups must be conducted at least every two years in this area and probably others as well and not at ten year intervals as done in the past. This should be included in the law and make it mandatory. This recommendation would probably provide more adoptable horses and burros because old and inbred,useless horses and burros would be culled out oftener.

We thank you for your consideration of our views on this matter and hope for success in the passage of Senate Bill 457.

Sincerely yours,

Kenneth D. McMurry
Donna McMurry
Kenneth and Donna McMurry

This article was taken from Persimmon Hill Magazine
Fall Issue 1978

a westerner's point of view

the serious aspects of wild horses and burros

It seems to be high time for the American people and Congress to view the wild horses and burros situation realistically, and that legislation for protection and population control be based on facts and foresight. First of all, to correct widespread conception of what these wild animals are, it must be emphasized that wild horses and burros are not naturally wild species (*ferae naturae*). They are not even indigenous to the Western Hemisphere.

These animals were first introduced in the southwest states by Spanish settlers in Arizona, California and New Mexico. Thus, wild horses and burros have no standing as truly wild animals such as deer, elk and antelope. They are simply the progeny of domestic animals that strayed off or were discarded and went wild.

It is traditionally axiomatic that our public lands be devoted to their highest potential use for public benefit. Wild game, cattle and sheep grazing of public lands under appropriate regulation most certainly contribute to the public good in many respects. On the other hand, wild horses and burros contribute nothing but injury to the environment.

Since wild horses and burros were coincident with the taming of the West, though not a contributing factor, and since to some people they are spectacular and of historic importance, I concede that preservation of a reasonable number of these animals in enclosures of adequate size and appropriately distributed would be right and proper. Provided, of course, that provision is made for a practical method of keeping the numbers in harmony with the food supply. Longhorn cattle are being preserved in this manner at the Wichita Wildlife Refuge in Oklahoma and various other places.

Wild horses and burros are a menace not only in national forests and public domain (BLM) lands, but burros especially are a serious problem in some national parks and monuments. Grand Canyon National Park probably has the most serious overpopulation of burros, which are usurping and destroying the food supply of native game. Within forty miles of my home in Santa Fe, New Mexico, at Bandelier National Monument, wild burros have become so plentiful that they are not only destroying the deer forage plants but causing erosion of the land as well. Traditionally, domestic stock has been excluded from national parks and monuments, except for legitimate use of saddle and pack stock. Yet, whenever proposals are made for the elimination of wild horses and burros from national parks and monuments by the only practical methods, a wall of sentimental public opposition is encountered.

The policy of blanket protection for the ever-increasing numbers of these domestic animals

by elliott s. barker

that have gone wild is unwise and completely unrealistic. A glaring example of what happens when such a policy is followed is seen in the historic Kaibab deer herd in Arizona. There, some years ago, an accelerated increase in the mule deer herd occurred — partly due to predatory animal control, but mainly due to rigid refuge protection against all hunting. I know from my twenty-two-years' experience as director of the New Mexico Game Department that, despite predator control, the deer herd could easily have been kept in balance with its food supply through regulated sport hunting. But for years after the Forest Service first recognized the problem, public sentiment succeeded in preventing abolition of the refuge and reinstatement of sport hunting. No other means of population control was found. The result was that the deer browse food supply was tragically destroyed. Then along came a hard winter and *some forty thousand deer starved to death!*

Horses and burros are much harder on grass ranges than big game, cattle or sheep because they have upper incisor teeth and crop the grass right down to the roots. Whereas cattle, sheep, deer, elk and antelope have no upper incisors and cannot crop grass nearly as close.

The current method of control of wild horses and burros sounds impressive, with helicopters authorized for animal roundups. However, just to hold the wild horses and burros at their present numbers would require removal of no less than fifteen thousand each year. To expect to find homes, as the law anticipates, for anything like that number is unrealistic.

How many people are going to want to tame a wild mustang? How many of those are qualified to do it? How many people have a place to keep such an animal even if it could be tamed? How many who might desire to obtain mustahgs can afford the costs of transportation, facilities and food? I'll wager not enough to make a dent in the current numbers.

While wild mustangs with their long manes and tails may appear to be beautiful, well-formed, noble chargers when viewed at a distance, a close-up inspection, with few exceptions, presents a far different picture. I have known cowboys and forest rangers to ride good horses half to death capturing mustangs that had, at a distance, taken their fancy but turned out to be not worth having. They turned the mustangs loose. I once had one myself and found him completely incorrigible; I had trouble even giving him away. Remember, these mustangs, for the most part, are the progeny of domestic animals that got away and were not considered worth retrieving.

The wild horse and burro problem is serious. The rapid increase, since they were put under rigid federal protection, is phenomenal. The last BLM figures I have seen estimate that there are 56,000 wild horses and 7,100 wild burros. Nevada is listed as having 22,000; Wyoming 8,800; Oregon 7,500; New Mexico 6,400; California 4,300; with lesser numbers in Colorado, Idaho, Utah, Montana and Arizona. One tragic aspect of this is that inevitable concentrations, especially on favored winter ranges, are taking over and ruining wildlife habitat.

[illegible] of view

Wild horses and burros do not contribute to the economic welfare of the American people. They do not contribute meat for human consumption or pet food. Instead, they usurp range that might far better be used by 63,000 cattle in providing 15 million pounds or more of good beef for the nation's annual food supply. Sixty-three thousand cattle have the potential of supporting the economy of 630 small ranches.

The federal government is failing to comply with the public lands administration policy established nearly three quarters of a century ago by the renowned Chief Forester Gifford Pinchot: "Public lands should be devoted to their highest use for the benefit of the greatest number in the long run."

Well-meaning sentimentalists raise a rumpus at any suggestion that surplus wild horses and burros be rounded up and sold for pet food, or that we should export the meat to countries where people relish horse meat. Yet these same people say nothing about rounding up millions of beautiful Hereford, Angus and Shorthorn cattle to be slaughtered for food. I hear no complaints about the use of dairy calves for veal cutlets, turkeys for the Thanksgiving table or chickens and mutton to alternate with beef.

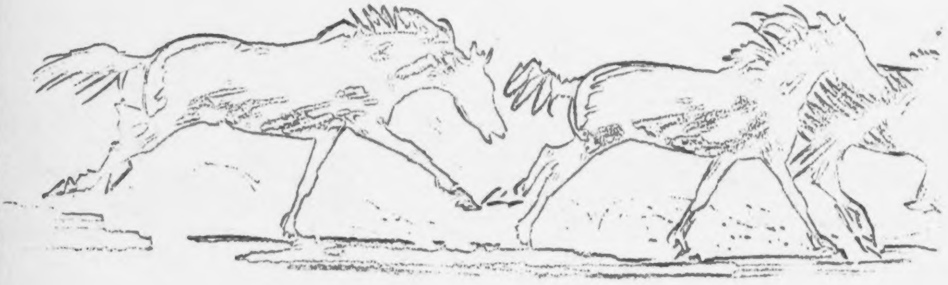
Can wild horses and burros be deemed more sacred and exempt from slaughter than cattle, sheep, hogs or poultry? Sacred cows are for India.

While the number of wild horses and burros is already serious, in three years we will have double that number, and in eleven years there will be ten times today's numbers. Based upon a realistic reproduction chart (modeled after reproduction charts I have used in making wildlife increase estimates), I find that a twenty-five percent annual increase for wild horses and burros is reasonable. In arriving at the twenty-five percent figure, it is assumed that the sex ratio of the herd is equal, that eighty percent of the mares three years old and over will foal every year, and that twelve years of age is a conservative longevity figure.

Let's start with a breeding herd of one hundred mustangs, composed of thirty-two stallions, twelve male colts, ten one-year-old males, and eight two-year-old males plus a like number of mares and female colts, yearlings and two-year-olds. In the progressive chart below colts are not counted until they become yearlings. The two-year olds, as they become three, are transferred to the respective adult classes.

ANNUAL INCREASE TABULATION
25 PERCENT

YEAR	HERD NUMBER	ANNUAL INCREASE	TOTAL
1st	100	25	125
2nd	125	31	156
3rd	156	39	195
4th	195	49	244
5th	244	61	305
6th	305	76	381
7th	381	95	476
8th	476	119	595
9th	595	149	744
10th	744	186	930
11th	930	233	1,163



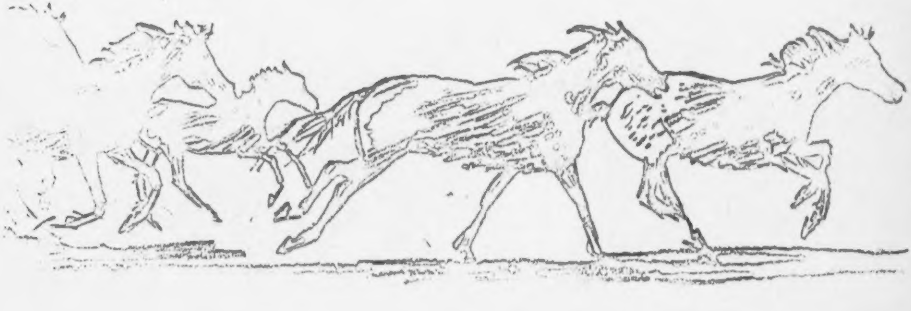
Thus we see how in three years the mustang population can almost double and in eleven years be 163 more than ten times today's number. An equal number of cattle would contribute 157 million pounds of beef to the American food supply — and double that amount if the calves went through the feed lots.

Some persons undoubtedly will question the validity of my twenty-five percent increase figure, which I believe to be entirely realistic. However, the argument for the need for rigid mustang control is not lessened if we use a twenty percent annual increase figure. At twenty percent, it only takes four years to double the population and fourteen years to have more than ten times what we started with. A fifteen percent annual increase rate, which is ridiculously low, requires only five years to double the population and seventeen years to make it ten times more. The end result is the same: disaster. Are we content to wait for a problem to become a disaster before effective, realistic action is taken?

We are not only confronted with today's economic loss and the far greater loss that will increasingly occur in the future, but it is also important to consider the conflict with, and usurpation of, wildlife habitat. Wildlife is an integral part of American heritage and its importance is not to be overlooked.

It is time for the American people, who have the long-range welfare of our Western lands and wildlife at heart, to demand of the Secretaries of Interior and Agriculture and the Congress to deal with this problem on a practical and realistic basis. Let us save some units of wild horses and burros in suitable enclosures for sentimental, spectacular and historic reasons. But it is imperative that rigid protection of the non-contributing mustangs on public lands cease and that commercial disposition of the surplus animals be authorized. Let us devote our public lands to their highest use for the benefit of the greatest number (of humans) in the long run.

During his long career in wildlife and natural resource conservation, Elliott S. Barker has worked as a wilderness guide, hunter, forest ranger, and rancher. He was New Mexico's state game warden for twenty-two years and has had a 5,500 acre New Mexico wildlife area named in his honor. At ninety-two he is the author of many articles and seven books. His book *Western Life and Adventures* earned him the Western Writers of America Gold Spur award.



S.457

1983 APR -6 AM 10:43

April 2, 1983

Dear Sir:

I am strongly opposed to the sale and slaughter of wild horses and burros. These horses and burros are a public trust and national legacy. No special interest group such as the cattlemen should profit from their sale. There is no justification in such an inhumane killing of 32,000 animals as reccomended by the Bureau of Land Management.

The National Academy of Sciences conducted a study paid for by Congress which disproves the notion that the horses are a menace to the rangeland. Please review this study closely befire coming to a decision regarding S.457 to be introduced on April 11, 1983.

I appreciate your attention to this letter and I strongly urge you to realize the gravity of this bill before coming to what I deeply believe is the only decision to defeat it.

Sincerely Yours,

Erica M. Cheverton

1983 APR -6 PM 12:33

S. 457

23 Basto Ter
Roslindale, Mass. 02131
April 2, 1983

Dear Senator. Wallop:

Mr. Watts and the BLM (among others) has introduced bill A 457 which allows the sale of wild burrows and wild horses which are not adopted and which have been removed from the Public Lands. They should not have been removed in the first place since the study made by the National Academy of Sciences and PAID FOR BY CONGRESS proved horses were not damaging the rangelands.

The Public Lands belong to and are the heritage of all the public - not just livestock interests and domestic breeders - and the public has a right to some say in what happens to the animals on it as well as to the land itself.

This bill will permit the sale of 32,000 horses for slaughter and put profit into the matter based upon the sale of America's wild horses and burrows. It will GUT THE WILD HORSE ACT of 1971 we worded so hard for to protect these animals. THIS IS AN ABSOLUTE OUTRAGE.

The bill comes before your committee on April 11, 1983, and I implore you to help prevent it from becoming law. I am adamately opposed to selling our wild horses for slaughter - they belong on the range running free.

Respextfully,

Cecelia Baldwin

(Miss) Cecelia D.Baldwin

3548 Shawnee Dr.
Carson City Nv. 89701
April 4, 1983

To: Public Lands and Reserved Water Sub-Committee

Re: Bill S.457 - HR.1675 relating to free-roaming wild horses and burros.

I, Loretta Netzel, would like to take this opportunity to state my opposition to the proposed bill S.457 - HR.1675 regarding wild horses and burros and ask that you consider the following in making your decision on this matter.

First of all, the census of animals remains in question. The recent National Academy of Sciences report on the wild horses and burros verifies that the horses are increasing at an annual rate of 10% or less and not the higher percentages that the B.L.M. has used. In Nevada we had several successive years of drought previous to last year which may have affected mortality and birth rates.(mares in poor condition may not breed every year)

The report states that little research has been done on the effects of wild equids on other wildlife. Since horses eat different forage than deer and antelope it would seem reasonable to think they have little effect on these animals.

According to the National Academy of Sciences report, the forage use by wild equids remains a small fraction of the total use by domestic animals on public ranges.

In light of the National Academy of Sciences report and other individual research, it would seem that the situation with the wild horses and burros, in most cases, is not as drastic as some would have us believe.

As for the proposed bill, it seems designed to allow our public lands to be stripped of all wild horses and burros if the Secretary decides to exclude these animals from the land use plan. With the passage of sale authority and this easy method of disposal with potential profits, there seems little in the way to keep B.L.M. from depleting the populations to the point where they could be endangered in the event of disease epidemic or drought.

The bill states that animals for which there is no adoption demand will be sold at public auction. It does not say if each animal will be auctioned individually to afford it "another chance" as Senator McClure puts it, or whether they will be auctioned in lots to accomodate the slaughter houses.

Not least of all is the grim picture of stress and potential injury to these animals taken wild off the range to be hauled to auction yards and slaughter houses. How much care will be taken, and how effective will the humane laws be in protecting large numbers of horses or burros intended for slaughter?

The adoption program was successful until the drastic raise in fees crippled it. A reasonable fee raise was in order, but the 800% increase almost seemed designed to create a problem that would seemingly point a need for B.L.M. to gain sale authority. B.L.M. has now lowered the adoption fee for horses, but there has been little advertisement of such. The passage of the proposed bill is bound to further damage the adoption program.

With the improving economy, proper management and promotion, the adoption program can be made an effective control of populations. Perhaps if the animal protection groups were not constantly having to battle B.L.M. and legislation designed to kill horses and burros, their efforts could be used in conjunction with B.L.M. to maintain and improve the adoption program.

In conclusion, I would say that there are those who see only profits or lack of them in wild horses. Hope Ryden in her book on mustangs says "I suspect it is because the horse-gone-wild, by his very existence, proves that even a lost freedom can be recovered, that so many people responded with such overwhelming support to the cause of the mustangs." If the profiteers are successful in sending untold numbers of wild horses to the slaughter houses, it will be one more sign of the sad condition our country is coming to.

I hope your decision on this bill will be given careful consideration.

Sincerely,

Loretta Netzel

Loretta Netzel

June Netzel
3548 Shawnee Dr.
Carson City, Nv. 89701
April 4, 1983

To: Public Lands and Reserved Water Sub-Committee

Re: Bill S.457 - HR.1675 Wild Horses

It is my hope that everyone involved in deciding the fate of the American wild horse will give the final report from the National Academy of Sciences their fullest attention. The report shows that there is no desperate need, as some would have us believe, to destroy thousands of wild horses. Indeed, the present law, the 1971 Wild Horse and Burro Act (PL 92-195) needs to be strengthened to give more protection to the horses.

With all the confusion concerning the numbers of wild horses, how can an educated and intelligent decision be made on this bill?

The bill gives unlimited power over the welfare of the horses to an agency, the head of which is known to be unequivocally opposed to wild horses. This seems unfair.

Another matter for concern is the inadequacy of federal, state and local humane laws. In Nevada the enforcement of humane laws depends almost entirely on the Nevada Humane Society which is a nonprofit organization and operates on donations.

In 1982 when 26 horses were donated by B.L.M. to a private zoo at Pahrump, Nv. to be fed to lions, four horses died an unpleasant death as a result of improper treatment enroute. This is an example of what will surely happen if the horses are "sold". The surviving young horses, none under six months of age I was told, were eventually returned to Palimino Valley holding pens through the efforts of the Nevada Humane Society. Local reaction to this event was quite strong.

There is a growing awareness of animal problems and I have been surprised at the number of people in this area who are concerned about the horses.

The slow economy and the abrupt rise in the price to adopt wild horses has been detremental to the adoption program. With an improving economy, lower adoption fees, and more cooperation with animal groups, the adoption program can surely be made to work.

Very truly yours,

June Netzel

June Netzel

President
Judy Richardson

Vice President
Carol Petree

Secretary
Kay Gordon

Treasurer
Alan Ungar

Past President
Barbara Cannizzo

Advisor
E. E. Goodwin, Ph.D.

Trail Chairman
Pat Oliva

Legal Counsel
John L. Hone
Lucinda Finley

Founded 1980
"Dedicated to Preserving Bridle Trails"

April 6, 1983

Ms. Alicia Payne
Robaleed Appaloosas
12328 Lawyers Rd.
Hernodon, Virginia 22071

Dear Ms. Payne:

This letter is to advise you that Trail Riders of Today (TROT) is in support of Senate Bill 457 providing additional management authority and sales authority for wild horses and burros, and authorizes you to represent our position at congressional testimony related to this issue.

Sincerely,

Judy Richardson

Judy Richardson
President

Trail Riders of Today

2112 Countryside Drive • Silver Spring, Maryland 20904 • Phone (301) 384-7521

Clifton
Horse
Society

8 April 1983

Alicia Payne
12328 Lawyers Road
Herndon, Virginia 22070

Dear Mrs. Payne,

This is to advise you that the Clifton Horse Society is in support of S. 457, which provides for added management and sales authority related to Wild Horse and Burro Act PL 92195.

We hereby authorize you to represent our organization in congressional testimony related to this issue.

Sincerely,

Paul F. Semmler
President

CLIFTON HORSE SOCIETY, LTD., P.O. BOX 183, CLIFTON, VIRGINIA 22024.

S.457

305 Galen Drive, #319
Key Biscayne, Florida 33149
April 8, 1983

Senator Malcolm Wallop
Senate Committee on Energy
and Natural Resources
c/o United States Senate
Washington, D.C. 20510

Re: Wild Horses

Dear Senator Wallop:

This is to advise that I ask your assistance and support in helping the American Horse Protection Association in preventing Bill S.457 from becoming law. I oppose very strongly the selling of wild horses and burros to slaughter because of someone's greed. These are a valuable natural resource, a part of America, and not rangeland pests.

Respectfully yours,

Diane L. Rechner
DIANE L. RECHNER

/dlr

S. 457
FIR

1983 APR [illegible] PM 2 44

The National Association of State Departments of Agriculture

1616 H Street, N.W. • Washington, D.C. 20006 • (202) 628-1566
James B. Grant, *Executive Secretary*
Stuart B. Hardy, *Assistant Executive Secretary*
D.M. Burkhead, *Administrative Secretary*

April 11, 1983

Honorable Malcolm Wallop
Chairman, Energy and Natural Resources
  Subcommittee on Public Lands and
  Reserved Water
U.S. Senate
Washington, D.C. 20510

Dear Chairman Wallop:

I understand that the Subcommittee will be conducting a hearing April 11 on Sen. James A. McClure's S. 457 -- a bill to protect and control wild, free-roaming horses and burros on public lands. Our Association recently adopted a policy resolution (LUNREQ-9) which is consistent with, and supportive of the basic goals addressed in S. 457. A copy of the resolution is enclosed for your consideration. I respectfully request that our policy resolution be made a part of the permanent hearing record.

Thank you for scheduling a hearing on this important issue.

Yours very truly,

J. B. Grant

James B. Grant
Executive Secretary

JBG:ek
Enclosure

cc: Sen. James A. McClure
Commissioner John A. Orton
Director Max Hanson
Commissioner Frederick Winthrop

Officers & Directors

Jim Buck Ross
President
Mississippi

Leonard Kunzman
1st Vice President
Oregon

Roger Barber
2nd Vice President
New York

S. Mason Carbaugh
Secretary-Treasurer
Virginia

Robert Lounsberry
Iowa
Immediate Past President

Frederic Winthrop Jr.
Massachusetts
Past President

Bert J. Garvin
Nebraska
Midwestern Region

Jack D. Craig
Oklahoma
Southern Region

Domonic L. Carney
Alaska
Western Region

George M. Dunsmore
Vermont
Northeastern Region

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE
1616 H Street, N.W., Washington, D.C. 20006

Policy No. LUNREQ-9

AMENDMENTS TO THE WILD HORSE ACT

Public Law 92-195, which provided for protection of wild horses and burros on the Bureau of Land Management and U.S. Forest Service managed public lands has been in effect since December of 1971. During this time, the number of wild horses and burros has increased to the extent that they are causing extreme damage to the rangeland and water resources in many areas in the Western States. Several million dollars of taxpayers' money has gone to this program which has been wasted through mismanagement and poor management. The Wild Horse Adoption Program has been inadequate.

RESOLVED, that the National Association of State Departments of Agriculture, meeting in Des Moines, Iowa, on September 15, 1982, supports changes in the Wild Free-Roaming Horse and Burro Act to allow the BLM and USFS to sell excess wild horses and burros.

FURTHER RESOLVED, that efforts to reduce the number that may be adopted be opposed.

1

2.45/7JC

Wildlife Management Institute
709 Wire Building, 1000 Vermont Ave., N.W., Washington, D.C. 20005 • 202 /347-1774

DANIEL A. POOLE
President
L. R. JAHN
Vice-President
L. L. WILLIAMSON
Secretary
WESLEY M. DIXON, Jr.
Board Chairman

1983 APR 25 PM

April 21, 1983

Honorable Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
Committee on Energy and Natural Resources
Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

I appreciate very much the opportunity to testify before your subcommittee last week on the feral horse and burro problem. I was enthused especially by your concern for the desert bighorn sheep which many of us in the wildlife management profession believe is in serious trouble.

As I stated at the hearing, it seems that we should help this species before it becomes a candidate for threatened or endangered status under federal law. There are two obvious reasons. One is that such status would seriously affect other land uses such as livestock grazing and mineral and energy development. Another is that the desert bighorn is a magnificent game animal that could be restored and provide abundant hunting and other recreational opportunity.

Since most desert bighorn habitat is on Bureau of Land Management land, it would seem appropriate to begin there. I have talked with many sheep experts over the years about what could be done to help the desert bighorn without wasting scarce money and manpower in uncoordinated activity. I am convinced that the important first step is for BLM to find and assign a capable biologist to the task of working with state wildlife agencies; livestock, mineral and energy interests, and other land users to help coordinate a West-wide research and restoration effort. It would take probably five to ten years to get restoration at full speed. And it would take a special individual capable of understanding the needs and wishes of all the public land users that may be involved. When it comes to BLM, the states are touchy and other users are skeptical. But I can see no other way to go.

The facts of the matter are that desert bighorns are on the skids. Targeted research is needed to learn what may be done to stop the decline. And those research results must be used to increase existing populations where possible and determine which historic habitats may be restocked.

BLM's wildlife program always has been grossly underfunded compared to other federal land agencies. The President's 1984 budget calls for a one-third reduction in wildlife expenditures. That certainly is not in the interest of bighorns or other BLM wildlife.

I hope that you may be able to help restore the BLM wildlife budget for 1984 and add a little more, along with directions, to get desert bighorn populations stabilized and eventually increased to practical levels. The Wildlife Management Institute would be pleased to assist in this endeavor in any way possible.

With every good wish.

Sincerely,

Lonnie L. Williamson

Lonnie L. Williamson
Secretary

LLW:bsg

INGRAM
WARM SPRINGS
RANCH
"Feeder Calves"

Will & Vangie Ingram
HC61 Box 3020
Challis, Id. 83226
(208) 879-4457

Gary & Jackie Ingram
HC68 Box 320
Clayton, Id. 83227
(208) 838-2369

Tim Ingram
HC61 Box 3020
Challis, Id. 83226
(208) 879-4721

Dave Ingram
Box 2584
Dillon, Colo. 80435
(303) 468-0067

Holly & Deb Houfburg
HC61 Box 3020
Challis, Id. 83226
(208) 879-4371

April 21, 1983

Senate Committee on Energy & Natural Resources
U.S Senate
Attn: Tony Bevenitto
Wash. D.C. 20510

Dear Sirs;

Our family wishes to make an additional comment on Senate Bill # 457.

Your definition of "range" Sec. 2(c) and then its usage three times under Sec. 3 (b) (2) do not correspond.

The definition under Sec. 2(c), we think, implies that you are speaking of specific set aside Wild Horse sanctuaries but when you use the word range three times under Sec. 3 (b) (2), we believe you imply a broad general meaning that includes all areas where wild horses are found.

We think the best solution would be to change the definition of range to; "range means the area of land necessary to sustain an existing herd or herds of wild free-roaming horses or burros, which does not exceed their known territorial limits as of passage of the Wild Horse and Burro Act of 1971," deleting the rest of the definition.

This would be compatable with your usage of the word "range" in Sec 3 (b) (2).

The addition of "as of passage of the WH + Burro Act of 1971" would solve the problem of Wild Horses which are expanding their ranges every year here in Challis, Idaho.

Thank You for this consideration. Will you please enter it as a matter of record for the testimony on the Senate Bill # 457.

Sincerely,
Mrs. Will Ingram

University of Idaho
College of Agriculture
In Cooperation with the
U.S. Department of Agriculture

April 21, 1983

Senate Committee on
Engery & Natural Resources
U. S. Senate
ATTN: Tony Bevinetto
Washington, D. C. 20510

Dear Senate Committee:

As a range scientist with the University of Idaho, Department of Range Resources and Co-Chairman of the Challis Stewardship Group, I have become extremely concerned about the damage done to rangeland areas by wild horses under existing management authority. For these reasons, I strongly support Senate Bill 457 that specifies the protection, management and control of wild free-roaming horses and burros on public land.

I would like to suggest to the Committee on Engery and Natural Resources that a slightest change in the wording of Section 2(c) be considered. The change would define range of the wild horses and burros more specifically. I would suggest that "range" apply only to the specific areas where wild horses and burros existed in 1971, and which is devoted to their welfare in keeping with the multiple use management concept for the public lands.

The provision for auctioning off unadoptable horses is an important authority needed by the public land agencies in the management of the wild horse and burro populations and should be very helpful in resolving existing problems.

Again let me emphasize support for S457 and thank you for consideration of my comments.

Respectfully yours,

Lee A. Sharp

Lee A. Sharp
Professor of Range Resources

LAS:sjt

FRIENDS OF WILDLIFE
814 West Markland Drive • Monterey Park, California 91754

May 27, 1983

Hon. Malcolm Wallop, Chairman
Subcommittee on Public Lands & Reserved Water
Energy & Natural Resources Committee
Senate Office Building
Washington, D.C. 20510

S-457
FTR

Dear Senator Wallop:

The purpose of this letter is two-fold:

1. To inquire as to the status of S. 457 (McClure) - to amend the WILD, FREE-ROAMING HORSES AND BURROS ACT so as to allow for round-up, sale, and slaughter of these animals, and
2. To respectfully urge you to drop considerations of S. 457 because there is no need for this cruel and offensive means of dealing with possible over-population on the range.

Some who would profit by the "blood bath" method of removing excess wild horses and burros say that the adoption program won't work because potential adopters want young mares with foal at the side, rather than taking old animals, especially, the old stallions.

Since the young mares and foals are the key to population increase, working with this public preference is the solution to possible over-population on the range.

FRIENDS OF WILDLIFE would be pleased to put you in touch with an expert in this matter. By working with nature, and with the public preference, there is a sound, sane, humane, and publicly acceptable way to deal with possible over-population on the range.

If, however, Hearings are scheduled for S. 457 or any amendment to the WILD, FREE-ROAMING HORSES AND BURROS ACT, please let us know immediately, and schedule us among the opposing witnesses.

Sincerely,

Beula Edmiston

Beula Edmiston
President

1983 JUN -7 PM 4 41

STATE OF NEVADA
STATE CONSERVATION COMMISSION
201 S. Fall Street
Nye Building—Capitol Complex
Carson City, Nevada 89710
Phone (702) 885-5414

FTR
S-457

June 2, 1983

The Honorable Malcolm Wallop
United States Senate
Room 452, Russell Senate Office Building
Wasnington, D.C. 20510

Dear Senator Wallop:

The Nevada State Conservation Commission has asked me to communicate to you their strong support for S 457 and HR 1675, the pending amendments to the 1971 Wild Free-Roaming Horse and Burro Act.

Nevada maintains more than half of the nation's wild horses on its semi-arid rangelands. These lands are ecologically fragile, being easily damaged and requiring many years to recover. Intensive management of grazing animals is needed to conserve these range resources for present and future use. At the present time livestock and wildlife use is closely monitored and regulated. However, although the 1971 act did mandate management of feral horse populations, the practical realities of collecting and disposing of excess horses under that act have made it impossible for the federal land management agencies to keep horse numbers within the limits that can be supported on our fragile rangelands. It is critically necessary for the act to be amended to clarify and strengthen the management authority of the federal land management agencies.

We have also enclosed for your information a resolution recently adopted by the Nevada State Legislature, urging the amendment of the 1971 act.

We recognize the role of wild horses in the history of the west, and acknowledge their place on the range. We would appreciate any assistance you can give in helping to ensure that the range on which they and other animals depend for life is adequately protected. Thank you.

Sincerely,

Pamela B. Wilcox
Executive Secretary

PBW/js

Enclosure

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT **A. J. R. 17**

ASSEMBLY JOINT RESOLUTION NO. 17—COMMITTEE ON NATURAL RESOURCES, ENVIRONMENT AND AGRICULTURE

MARCH 14, 1983

Referred to Committee on Natural Resources, Environment and Agriculture

SUMMARY—Urges Congress to provide strict control of wild horses and burros. (BDR 1722)

◆

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to enact legislation which increases controls on the number of wild horses and burros and which authorizes additional methods of removing the animals from public lands.

WHEREAS, The Wild Free-roaming Horses and Burros Act of 1971, 16 U.S.C. §§ 1331 et seq., protects wild horses and burros from destruction, caputure or sale by any person or governmental entity except when authorized by the Secretary of the Interior or the Secretary of Agriculture in connection with public lands administered by the Bureau of Land Management and the Forest Service; and

WHEREAS, The Wild Free-roaming Horses and Burros Act has been overly successful and has allowed once-threatened populations of wild horses and burros in Nevada to increase to the extent that approximately 40,000 wild horses and 2,000 wild burros currently inhabit public lands in this state; and

WHEREAS, The populations of wild horses and burros are increasing at an annual rate between 12 and 18 percent and will, absent stronger measures to control their numbers, double in the next 5 years; and

WHEREAS, The Wild Free-roaming Horses and Burros Act requires the Secretary of the Interior and the Secretary of Agriculture to manage the wild horse and burro populations in a manner that protects the natural ecological balance of all species of wildlife inhabiting the public lands; and

WHEREAS, Wild horses and burros are already so numerous that they are destroying the habitat used by other species of wildlife; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada strongly urges the Congress of the United States to enact legislation which:

1. Requires the Secretary of the Interior and the Secretary of Agriculture to control strictly the populations of wild horses and burros on public lands; and

2. Authorizes additional or more effective methods for the capture, sale, donation, transfer or other removal of wild horses and burros from public lands in Nevada;

and be it further

Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, each chairman and each member of the appropriate congressional committees and each member of the Nevada congressional delegation; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

RICHARD H. BRYAN
Governor

STATE OF NEVADA
STATE MULTIPLE USE ADVISORY COMMITTEE ON FEDERAL LANDS
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CARSON CITY, NEVADA 89710
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1983 JUN -6 PM 3:45

June 2, 1983

FTR S-457

Committee Members

Julian C. Smith, Jr.
Chairman
Nevada Association of County Commissioners

Dewar Dahl
Vice-Chairman
State Grazing Boards

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Advisory Mining Board

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Off-Road Vehicle Enthusiasts

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Environmental Community

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Nevada Board of Wildlife Commissioners

Eddie Venturacci
State Conservation Commission

George Cordova
Nevada League of Cities

John Raetz
Board of Agriculture

(Mrs.) Sherry Lander
Land Use Planning Advisory Council

The Honorable Malcolm Wallop
Chairman, Senate Subcommittee on
Public Lands and Reserved Water
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

As you are aware, the wild horse and burro situation in Nevada and the western United States continues to be a controversial problem. Many years of debate regarding what should be done with the wild horses and burros have gone by with the problems and impacts of wild horses and burros becoming greater with each passing year.

The Nevada State Multiple Use Advisory Committee on Federal Lands, a governor-appointed committee representing users of the public lands in Nevada, has wrestled with the wild horse and burro issue for some time. Testimony provided to the committee from many interests has helped the committee formulate a position on the issue. The enclosed recommendations, each dealing with the wild horse issue, were adopted by the committee in recent years.

Legislation has been introduced into Congress which could help ease the negative impacts wild horses and burros are having on the public lands in the west. The adopt-a-horse program has been a benefit by providing an outlet for excess wild horses and burros; however, additional methods and alternatives are needed to allow larger and quicker reductions in wild horse and burro herd populations. Our committee feels that S. 457 is sensible and much needed legislation.

Sincerely,

Julian C. Smith

Julian C. Smith, Jr.
Chairman

JCS:JMD/js

Enclosures: Recommendations #81-6, #81-7 and #81-13

RECOMMENDATION

STATE MULTIPLE USE ADVISORY COMMITTEE ON FEDERAL LANDS

#81-6

WILDHORSE MANAGEMENT IN NEVADA

WHEREAS, the Committee has heard testimony during their meeting held on February 27, 1981, from a respresentative of the Bureau of Land Management, a livestock operator, and a representative of a wildhorse protection organization; and

WHEREAS, the testimony revealed an increased awareness on behalf of all participants on the mutual need to develop reasonable and fair solutions to the wildhorse problem which will recognize the concerns of all interests; and

WHEREAS, many of the concerns expressed by the participants appear to be mutually consistent and would suggest that long range solutions could be developed that would be compatible to, and supportable by, all interests; and

WHEREAS, the existing situation regarding wildhorses and wildhorse management in Nevada is not satisfactory to any group or interest, nor is it of benefit to the wildhorse populations or the rangelands in Nevada; and

WHEREAS, the wildhorse problem continues to worsen because of increasing numbers of wildhorses on the public rangelands of Nevada through ineffective and inadequate actions of the federal managing agency; and

WHEREAS, immediate actions to reduce wildhorse populations must be implemented to prevent further problems; and

WHEREAS, Judge Thompson in the American Horse Protective Association, Inc. v. Frizzell case said that under the Wild Hourse and Burro Act the 1971 wild horse populations should be maintained.

BE IT THEREFORE RECOMMENDED that the Secretary of the Interior and the Congress of the United States be urged to take immediate action to reduce the wildhorse populations to reasonable levels, as anticipated by the 1971 Wild Horse Act, in Nevada while long range management plans are being developed and implemented.

Julian C. Smith Jr.
JULIAN C. SMITH, JR., CHAIRMAN

ADOPTED: February 27, 1981

RECOMMENDATION

STATE MULTIPLE USE ADVISORY COMMITTEE ON FEDERAL LANDS

#81-7

MANAGEMENT OF WILDHORSES IN NEVADA BY BUREAU OF LAND MANAGEMENT

WHEREAS, the Committee heard considerable testimony during their February 27, 1981, meeting on the regulations of the Bureau of Land Management and the management of wildhorses in Nevada; and

WHEREAS, the testimony presented included the following information:

1. Only a small percentage of the Bureau of Land Management budget for wildhorse management goes to Nevada, the state which has the largest wildhorse problem;
2. Bureau of Land Management policies, such as the forty-five day holding period requirement and the limitation of destroying only five animals per week, irrespective of the circumstances, are arbitrary and severely limit administration of a reasonable wildhorse management program;
3. Wildhorse populations are increasing at an alarming rate in Nevada with population levels now many times higher than they were in 1971, the year on which federal legislation is based;
4. Beneficial use of wildhorse carcasses, when horses must be destroyed, is not allowed under existing regulations;
5. Titling of wildhorses under the adopt-a-horse program is inefficient under existing procedures and regulations;
6. Problems of wildhorse management are magnified in checkerboard land ownership areas with subsequent lost program efficiency in other areas; and

WHEREAS, the wildhorse management problems will only increase and become more serious without considerable amendment to present policies, regulations and budgets; and

WHEREAS, continuance of existing policies, regulations, and budgets will lead to further damage to the public rangelands by excessively high wildhorse populations to the detriment of the general public, environmentalists, livestock operators, wildhorse protectionists, and the horses themselves.

BE IT THEREFORE RECOMMENDED that the Bureau of Land Management review its policies and regulations on wildhorse management, including program administration on checkerboarded lands, and to allow increased discretion for state directors in responding to wildhorse management problems; and

BE IT THEREFORE FURTHER RECOMMENDED that provisions be developed which could allow for the disposition of destroyed horses to commercial processing plants for conversion to food for government operated animal and fish rearing or holding facilities, or other similar non-profit or governmental operated facilities.

JULIAN C. SMITH, JR., CHAIRMAN

ADOPTED: February 27, 1981

RECOMMENDATION

NEVADA STATE MULTIPLE USE ADVISORY COMMITTEE ON FEDERAL LANDS

#81-13

REMOVAL OF WILD HORSES FROM THE PUBLIC RANGELANDS

WHEREAS, the Nevada State Multiple Use Advisory Committee on Federal Lands has heard and reviewed considerable testimony during recent years on the wild horse issue; and

WHEREAS, the wild horse population in Nevada has increased to a Bureau of Land Management estimate of 32,000 to 35,000 animals and are estimated by others to be as high as 55,000 animals; and

WHEREAS, most interested groups and individuals seem to be in agreement that the wild horses must be properly managed and their numbers reduced to more appropriate levels; and

WHEREAS, immediate action to reduce the number of wild horses on the range is needed as some ranges are being badly depleted by excessive wild horse populations; and

WHEREAS, the Adopt-a-Horse program administered through the Bureau of Land Management is a popular and effective program in helping to reduce the number of wild horses on the range; and

WHEREAS, other effective methods and programs are urgently needed to help reduce the wild horse population on Nevada's ranges;

NOW THEREFORE BE IT RECOMMENDED that all possible methods and programs for the humane reduction and management of horses be implemented by the Bureau of Land Management in the earliest possible time. Such possible methods and programs should include, but not be limited to, the following recommendations:

1. rigorous support and promotion of the Adopt-a-Horse program;
2. establishment of a reasonable adoption fee that will help to cover the costs incurred by the Bureau of Land Management in making the horses available for adoption;
3. a re-opening of the allowance for claiming by ranchers so that claimed horses not previously removed from the public lands can be removed, under Bureau of Land Management supervision; and
4. the Bureau of Land Management should be given authority to sell unadopted horses for beneficial purposes and the receipts of such sales be used in the wild horse management program.

JULIAN C. SMITH, JR., CHAIRMAN

ADOPTED OCTOBER 17, 1981

BORN FREE
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June 6, 1983

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands & Reserved Water
Energy & Natural Resources Committee
Washington, D.C. 20510

FTR
S.457

Dear Senator Wallop:

I am writing to express my feelings on S. 457, which would amend the Wild, Free-Roaming Horses And Burros Act, to allow for the round-up, sale, and slaughter of these animals.

I feel that this change in the law would not only be cruel and senseless, but that it would allow for a few individuals to make personal gains at the expense of these animals that are truly a part of our country's important natural heritage.

I urge that the consideration of this Bill be dropped, and that proper emphasis be placed on programs such as the animal adoption program. By allowing and encouraging adoptions of these animals, in particular young mares with foals, a proper and humane method for population control can be carried out.

There are often several solutions to the problems we face when working with our environment and our wildlife. The best solution is always the one that serves our needs while always considering the animals and area we are dealing with. If we solve a problem by destroying a species, or causing senseless suffering and pain to animals who can not fight back, what have we really gained?

I sincerely hope that consideration of S 457 will be dropped, and that more humane methods, such as adoptions, are emphasized in dealing with possible over-population of wild horses and burros.

Sincerely,

Donald A. Rolla

Donald A. Rolla
State Director - Illinois
Elsa Wild Animal Appeal

cc: Sen. Henry Jackson - WA
Sen. Charles Percy - IL
Sen. Alan Dixon - IL
Friends Of Wildlife - CA
Elsa Wild Animal Appeal - USA

Senators:

The National Public Lands Advisory Council consists of 21 members from the Western States, selected by Secretary Watt to advise him on matters of concern on public land. We meet quarterly and at the last meeting in Phoenix, Arizona, adopted the following wild horse and burro resolution: We support the proposed changes in the Federal legislation in Senate Bill 457 and House Bill 1675.

These changes will not be a band-aid approach of the past but amend and correct the law and, as currently written, will be the strongest support for the management of these animals. The changes in the legislation are absolutely necessary to insure the sound multiple-use management of the public lands and the management of wild horses and burros. There are at the present time between 1,200 and 1,400 horses awaiting adoption. Keeping these animals in captivity is very costly to the American taxpayer. With the latest change in the adoption fee, more of these animals should begin once again to move, but there are about 1/3 of these animals that because of age, birth defects, or temperament, will be unadoptable and the present law is not flexible enough to allow the disposal of these animals through public sale, and that change is absolutely necessary. The people who are against the humane disposal of these animals have never seen any wild or domestic animals die of starvation. These excess numbers of horses are causing range damage to thousands of acres of Federal, State

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Wild Horse and Burro Hearing - March 19, 1983 - Rock Springs, Wyoming
Senate File 457

Presented by Marlene Simons, Vice Chairman - National Public Lands Advisory Council and private property. Mismanagement of the horses and burros is just like the mismanagement of the wildlife herds of elk, deer, and antelope. They must be managed like any other necessary use on public lands. The program needs to stay in the control of BLM and the cooperation of local horse organizations to assist with the adoption process of these horses at the local level is very necessary.

This legislation is a step forward for a sound management program without emotionalism that will make the removal of the excess animals from these lands possible and still maintain a stable, healthy herd that preserves the heritage of the wild horses and burros. The following resolution is a product of the National Public Lands Advisory Council:

PROPOSAL TO ADJUST
WILD HORSE ADOPTION FEE

Prepared by:
David Loomis
Regional Economist
U.S Bureau of Land Management
Carson City District Office
April, 1982

PROPOSAL TO ADJUST WILD HORSE ADOPTION FEE

Problems With Current Fee

The current adoption fee of $200 per horse has caused a major decrease in the quantity of wild horses adopted from the Palomino Valley Center. Between January 1 and March 15, 1982, only 45% of the horses were adopted. For the same period in 1981, 89% of the horses were adopted at a fee of $25.

Despite this decrease in quantity revenues have increased sharply from about $2,300 per hundred horses gathered at $25 to about $9,000 per hundred horses at $200. Costs have declined for compliance and will decline for title transfer since fewer horses have been adopted. At the same time other costs have increased. Since the average horse is maintained at the corrals for at least 30 days with the $200 fee compared to about 20 days with the $25 fee, hay and labor costs have increased sharply. Security costs have increased due to vandalism prompted by the $200 fee. If the unadoptable horses are destroyed, additional costs would be incurred. Destruction costs would be about $20 per horse. The Bureau would also have to absorb transportation costs for any horses shipped to other adoption centers and destroyed. These changes would cause the cost per hundred horses gathered to increase from about $8,300 at a $25 fee to about $11,500 at a $200 fee (excluding capture or overhead costs).

Perhaps the most significant cost has been the loss of public support for a program which had been very popular.

One of the major reasons for raising the fee to $200 was that the $25 fee covered only a small part of the cost of the program, and it was felt that therefore, the adopters were being subsidized. However, horse adopters should not be required to bear the entire cost of the program since there are many other benefits, e.g. livestock, wildlife, and watershed. The adopters should be required to pay fair market value as directed by Public Law 94-579 Sec. 102 (a)(9). This report develops such values.

Alternative Fee Strategies

Two alternative pricing strategies are analyzed in this report. The first is the establishment of an optimum single fee based on supply (bureau costs) and demand. The second alternative is to establish a variable fee structure based on the quality of individual horses. Both pricing strategies should approach fair market value. This analysis is based on current regulations. If changes such as immediate transfer of title are instituted, further analysis would be required.

Alternative One

The optimum single fee was determined by developing a demand schedule through regression analysis (Table 1). This schedule indicates the percent of horses that would be adopted at various prices. It is based on the percent of horses adopted at a fee of $15 from the Susanville corrals in 1981, at $25 from Palomino Valley in 1981, and at $200 from Palomino Valley in 1982. It also includes an estimate by Palomino Valley Staff of the percent of horses

TABLE 1
HORSE ADOPTION PROJECTIONS

Based on: $(\%\text{ of horses adopted})^2 = (91.7)^2 - .16(\text{price})^2$

Derived from:

% Adopted	Price
92	$ 15
89	25
85	100
45	200

Price	% Adopted	Gross Revenue/ Horse	Cost/[a]/ Horse	Net Revenue/ Horse
$ 25	91	$ 23	$ 83	$ -60
60	88	53	82	-29
70	87	61	81	-20
80	86	69	82	-13
90	84	76	83	-7
100	83	83	84	-1
110	80	88	85	3
120	78	94	88	6
130	76	98	90	8
140	73	102	92	10
150	69	104	95	9
160	66	105	99	6
170	62	105	102	3
180	57	102	105	-3
190	51	97	110	-13
200	45	90	115	-25
210	37	77	121	-44

[a]/ Does not include capture or overhead costs.

that could be adopted at $100 based on conversations with potential adopters. Both linear and non-linear regressions were performed.

Since the non-linear curve fit the data best it was used to develop the demand schedule. It should be noted that the demand schedule is based on limited data and should be considered only a rough approximation.

The procedure also included developing a schedule of variable costs associated with various price levels. These costs did not include capture and overhead costs because these would not vary significantly with price. Palomino Valley records were the primary source of data. The cost schedule was based on the following data and assumptions:

1. About ten percent of the horses would be destroyed due to medical reasons regardless of the fee.
2. About three percent of the horses would die.
3. Processing costs would total $25 per horse on the remaining 85 percent.
4. Destruction costs would be $20 per horse.
5. Seventy-five percent of the horses would be maintained at Palomino Valley at a feeding cost of $1.55 per day.
6. Twenty-five percent of the horses would be shipped from Palomino Valley and maintained at other adoption centers for $3.25 per day.
7. Security costs would increase from $0 at a $100 fee to $.29 per horse per day at a $200 fee.
8. Unrecovered transportation costs would average $75 per horse for 14 percent of the unadopted horses shipped from Palomino Valley and destroyed at the other adoption centers.

9. Adopted horses would average 20 days of feeding.
10. Horses destroyed due to non-adoption would average 53 days of feeding.
11. Horses that died or were destroyed for medical reasons would average five days of feeding.
12. Compliance checks would be performed on eight percent of the adopted horses. This is down from eighteen percent in 1981 due to change in policy.
13. Each compliance check would cost $235.
14. Title transfer costs would be $6 each.

As Table 1 indicates, the net loss per horse was about $60 at the $25 fee. The $200 fee has decreased this loss to $25. However at a fee between $130 and $150 net revenues of up to $10 per horse could be obtained. Since there is very little variation in revenues within this range and fewer horses would have to be destroyed at the lower end, a fee of $130 is considered optimum. At this fee the Bureau would earn a return of $8 per horse over variable costs. The program would still have significant losses if overhead and capture costs are included. At a $130 fee the net costs (including overhead and capture) would be about $380 per horse compared to $430 at a $25 fee and $415 at a $200 fee. This measure could reduce Bureauwide costs by $260,000 compared to a $200 fee assuming that 7,500 horses would be gathered and that the demand and cost schedules would be similar for other states.

The lower fee would also substantially reduce public opposition to the program since fewer horses would have to be destroyed.

Alternative Two

The first step in generating the variable fee system was the development of a horse grading system (Table 2). The system was produced by Carson City district staff and recommended by the Carson City District Advisory Council. Further analysis and pretesting resulted in minor modifications. The proposed grading system was developed for simplicity and ease of implementation. It was limited to six characteristics that can be determined quickly by the adoption center staff: sex, age, conformation, height, weight and color. Although any number of grades could be established, the proposed system was limited to four in order to ensure simplicity.

The recommended prices for each grade were based on interviews with two individuals in the Carson City area that are involved in the private horse market and are knowledgeable about wild horses; with the contractors running the adoption centers at Spanaway, Washington and Valley Mills, Texas; as well as recommendations by Palomino Valley staff. As Table 2 indicates, the fees would range from $80 for Grade Four horses to $275 for Grade One horses.

Estimated receipts were based on the demand schedule in Table 1. It was assumed that all unadopted horses would be Grade Four. At the Grade Four fee of $80, 86 percent of the horses would be adopted, one percent would have to be destroyed due to unadoptability and the remaining thirteen percent would die or be destroyed due to medical reasons.

Rough estimates of the percent of horses in each grade are displayed in Table 2. These are based on the experience of Palomino Valley staff. It should be noted that these percentages vary widely depending on where the horses were

TABLE 2
PROPOSED VARIABLE ADOPTION FEES AND GRADING SYSTEM FOR WILD HORSES

Adoption Fees

Grade	Points	Estimated Percent of Horses	Recommended Fee
I	7+	3%	$ 275
II	6	10%	160
III	4-5	37%	125
IV	0-3	50%	80

Grading System

Age: 0-4 points

	Studs	Mares
6 mos.	1	1
1 year	2	2
2 years	3	3
3 years	4	4
4 years	3	3
5 years	0	2
6 years	0	1
7 years +	0	0

Conformation: 0-3 points

Excellent	3
Good	2
Fair	1
Poor	0

Height: -1 for horses 3 years or older and less than 14 hands

Color: +1 for good color

Weight: +1 for horses 1000 lbs. or more

Note: Pair-rate only wet mares.

gathered. In areas where feed is limited and inbreeding occurs, a much higher percentage of Grade Four horses would be gathered.

Cost estimates were based on the cost schedule in Table 1. The cost schedule is dependant upon the percentage of horses adopted, therefore the cost estimates for the variable fee structure were based on the percent of horses adopted at the Grade Four fee of $80. An additional dollar per horse was added to account for the cost of administering the variable fee system.

If the variable fee system is implemented, receipts per hundred horses gathered would be about $9600. Variable costs would total $8300 for a net return of $1300 per hundred or $13 per horse. If capture and overhead costs are included, the net cost would total about $375 per horse compared to $415 at the $200 fee. This measure could reduce Bureauwide costs by $300,000 assuming that 7500 horses would be gathered and demand and cost schedules would be similar for other states.

The variable fee structure would also substantially reduce public opposition to the program since a minimal number of horses would have to be destroyed.

Conclusion

Either alternative would be an improvement over the $200 fee. They would both result in substantial savings to the Bureau, reduce the number of horses that would have to be destroyed, reduce public opposition to the program, and meet FLPMA's requirement to charge fair market value.

The primary advantage of the $130 single fee system would be ease of implementation. The variable rate system would be more difficult to implement and administer. Significant controversies could be generated over the accuracy of the grading and pricing systems. On the other hand, the variable fee system would result in a greater reduction of net costs, fewer horses destroyed, and a more accurate reflection of fair market value. Much of the controversy over grading and pricing could be reduced by re-evaluating and adjusting them if needed on a biannual basis.

RELEVANT INFORMATION CONTAINED IN THE NATIONAL ACADEMY OF SCIENCE REPORT "WILD AND FREE-ROAMING HORSES AND BURROS: CURRENT KNOWLEDGE AND RECOMMENDED RESEARCH"

Background Information on Controversy

Much controversy has surrounded the implementation of the Wild and Free-Roaming Horse and Burro Act. From the day the Act was signed into law in 1971 and the Bureau of Land Management was assigned responsibility for the management of wild horse and burro herds on the public lands, that agency has found itself under pressure from conflicting interest groups.

Cattle growers and hunting organizations have perceived the wild horse as a competitor for forage which otherwise might be allotted to animals whose numbers they wish to see augmented. They have repeatedly pressed for wild horse and burro reductions. They argue that the wild horse and burro, inasmuch as they are neither hunted for sport nor shipped to market as are livestock, will inevitably crowd out other animals. Cattle growers, moreover, tend to lay the blame on the wild horse for any reduction in public land grazing allotment they are asked to accept. They further accuse the wild horse and burro of creating deteriorating conditions on the public range. Sportsmen assert that the wild horse and burro, being introduced species, present an unnatural challenge to native grasses and to the native game with which they now coexist. They urge the removal of these so-called aliens in the expectation that target species will increase as a result.

On the other side of the controversy, individuals and organizations interested in preserving and protecting wild horses and burros complain that the BLM has been unduly responsive to the urgings of the above interest groups and has conducted large scale horse roundups without regard to fact. They point out that the Bureau judges the few thousand head of wild horses that inhabit our public lands (the figures the Bureau releases are not consistent, ranging from 70,000 reported in 1978 to 45,000 in 1982) to be excessive while it views the million and a half mule deer that coexist with them as being too few. They accuse the Bureau of exaggerating the rate at which the horse herds increase. They complain that the Bureau has repeatedly cut the herds in excess of what is necessary to achieve "a thriving and natural ecological balance on the public lands " (as directed by the Wild and Free Roaming Horse and Burro Act). They further object to the BLM's unscientific methods of herd management, pointing out that the horses and burros are being rounded up without regard to the age and sex structure of the ungathered herds. They point out that dictates of sound wildlife management demand an understanding of such factors and that indiscriminate culling can set the stage for increased reproductivity (a herd that is predominately female, for example, will produce a greater annual foal crop than one that is predominately male). Finally, they question the BLM's goal of maintaining horses at the level presumed to be in existence in 1971. They deny that the BLM had any reliable census of the animals in that year or any year since.

Since the passage of the Wild and Free-Roaming Horse and Burro Act in 1971, the BLM has conducted many large scale wild horse roundups and has offered many thousands of animals for adoption. At the same time, the Bureau has released numerous reports to the press and to Congress complaining of ever growing numbers of horses. Some of these reports do not stand up to examination. Horse protectionists have pointed out that the rates of increase the BLM describes exceed the limits of the horse's biological potential for increase. These limits are fixed by the following unalterable biological factors:

1. A mare can give birth to but one foal a year, inasmuch as gestation lasts 11 months.
2. Half of a normally structured equid herd is male and these animals, of course, do not reproduce their number.
3. Half of the female segment of a normally structured equid herd is below breeding age. In equids reproduction is delayed until the female is age 3.
4. Not every mare of breeding age bears a foal every year.
4. Horses die of all causes.

Horse protectionists have also challenged the BLM's methods of counting horses and the Bureau's methods of projecting rate of increase. For example: in 1974 the Bureau counted horses in January, following winter die-off and prior to the spring birth of foals. The following year horses were counted in May immediately following the birth of young when herds were at their peak numbers. The BLM then calculated an annual rate of increase based on these unrelated censuses. This alarming projection of increase was published in The Congressional Record (ppS 22747-8 Dec 18, 1975), together with an urgent request to Congress to permit the BLM use of mechanized vehicles to facilitate more drastic horse culling. The request was granted.

Skepticism and distrust of BLM census techniques and management methods has given rise to a number of legal actions. Such actions have been costly and time-consuming both to horse supporters and to the government (in nearly every instance decisions have been rendered for the horse supporters). In 1978 Congress passed the Public Rangelands Improvement Act and horse supporters, fearing that horses and burros would be singled out for more large scale remoxals, appealed to Congress to appoint a committee of scientists to obtain objective data on wild horse biology, demography, and the impact of equids on range lands. Congress complied and directed the National Academy of Science to appoint such a committee. A thirteen member panel was named, headed by Dr Frederic Wagner of Utah State University. That panel developed the following objectives:

(1) Develop data on the biology of wild horses and burros, including the population dynamics of these animals.

(2) Identify principles and procedures for managing populations in accordance with the policies and objectives of the Public Rangelands Improvement Act.

(3) Develop information concerning the availability and use of forage and water resources, dietary habitat overlaps and other factors relevant to the determination of the number of wild free-roaming horses and burros an area could sustain.

(4) Provide the secretaries of Interior and Agriculture with scientific information to make the determination as to what represents excess animals.

National Academy of Science First Phase Report

In 1980 the National Academy of Science Committee published its first phase report. This document numbers 382 pages and is titled: Wild and Free-Roaming Horses and Burros: Current Knowledge and Recommended Research. Phase I Final Report. Embodied in this report are all existing information and scientific studies to-date on wild equids, as well as relevant information on domestic horses, together with the Committee's evaluation and interpretation of much of this material. The report also describes what further research is needed and recommends that such be undertaken. Next year the results of some of this recommended research (now in-progress) will be published by the Committee in its Phase 2 Report.

Meanwhile, the NAS Committee's Phase I Final Report brings together an array of information on wild horse and burro biology and demography and offers a scientific evaluation of BLM census techniques, management methods and objectives. The report lends scientific credence to every one of the above described complaints made by wild horse enthusiasts who have been critical of BLM policies and objectives. What follows is a point-by-point discussion of each one of these longstanding contentions, together with corroborative exerpts from the NAS Committee report.

NAS Committee Refutation of Complaint That Wild Horses and Burros Exert Excessive Pressure on Other Animals and on Plants Because They Are Introduced Species.

Early in the NAS report, the committee examined the argument made by sportsmen and livestock growers that the wild equids, being introduced species, are usurping the niches rightfully belonging to a native game species and are exerting undue pressure on native plants. These voices have contended that it is axiomatic that native flora and fauna possess inadequate defenses against all invaders."

The NAS committee responds that the horse is not a typical "introduction", for it did ,in fact, evolve in North America and experienced only a brief absence (geologically speaking) before being *re* introduced to what is its native land. In the words of the report:

> "The mainstream of equid evolution occurred in North America; only a few types wandered into the Old World in the Tertiary. Native equids were present in the lower Eocene, 55 million years ago, and remained abundant until 11,000 years ago. Late Pleistocene mammal sites in Arizona reveal that Equus was second in abundance only to Mammuthus and was twice as abundant as Bison...thus although feral horses and asses are considered alien or "exotic" today, they represent lineages that have a long paleohistory in North America. *That is particularly important to the interpretation of their role in modern ecosystems*. (underlining ours) The

concern on the part of some people that feral horses and asses are detrimental to their habitat is partially based on the assumption that since they are "exotic" they are particularly disruptive to vegetational communities with which they have not coevolved. However, modern-day equids in North America are not typical exotics. A long period of coevolution between their evolutionary predecessors and the vegetation was broken for 11,000 years, which is a brief interval in geologic time....To our knowledge, no one has produced any evidence that native plant species have lost adaptations to grazing or browsing pressures (e.g. oily foliage, spiny or thorny branches, siliceous stems or toxic alkaloids) that are the result of selective pressure exerted during millions of years of coevolution with equids....It is an oversimplification simply to dismiss feral asses and horses as "exotics." The possibility of their filling an "open niche" remains." pp 21,22,23.

NAS COMMITTEE IS UNABLE TO JUSTIFY BLM CENSUS FIGURES

Criticisms by wild horse supporters who contend that BLM censuses and projections of wild horse and burro herd increases have been unrealistically high and cannot be substantiated by fact gained the attention of the NAS committee. The panel examined all factors relating to rate of herd increase,---such as age and sex structures of herds--in an attempt to determine what would be the magnitude of increase possible to the species.

To obtain basic information on horse reproduction, the committee looked at studies of fecundity in *domestic* mares. In making use of this information, however, the report stresses that these rates of increase "are maxima of which the species is capable under optimum nutritional and breeding conditions and under protection from the elements... the available data from wild herds indicate lower rates, doubtless the cost of field breeding, less-than-optimum nutrition, and the rigors of range life." p 33

Inasmuch as the censuses and calculations reported by the BLM on wild horse increase far exceed the known potential for increase in domestic herds, the above statement is highly relevant. The following example will illustrate the magnitude of the BLM's overestimations:

Between 1973 and 1974 the BLM reported an astonishing wild horse buildup: the horses were claimed to have increased from 26,121 to 45,207 head. This would represent an annual population growth of 73%!

Critics of the BLM's census reports objected, saying that such growth was not possible. Inasmuch as half of any wild horse population is male, and inasmuch as half of the female segment of a wild horse population would be below breeding age, and inasmuch as the 25% segment of the herd that would be made up of breeding-age females could give birth to but a single foal annually (gestation lasting 11 months), foal production could not have exceeded 25% of the herd or 6,530 animals. Even this figure could not be said to represent *herd increase*, only foal production limits; and would have to be adjusted downward to account for annual mortality.

The only above-listed premise that is not categorical is the percentage of non-breeding females in a normally structured herd, and the NAS Committee made a special point of examining this premise. Drawing on data available from a large number of sources, it concluded:

> "On average, therefore, the fully breeding 4-year-olds and older females comprise only about one-fourth of most wild horse herds." p 47.

Implicit in this determination is the conclusion that a normally structured equid herd (given that it experiences 100% breeding success and no mortality) has a potential for annual reproduction no greater than 25% of the herd size.

The committee then went on to discover what kind of breeding success mares in the breeding-age class actually enjoy and found they experience nothing close to 100% success. Quite the contrary! The report cites a number of wild horse studies showing actual foal production to be low, ranging from 9.5% (Boyd) to 52% (Tyler). These low foaling rates , when translated into herd increase would account for from 3% to 12.5% annual population growth. (9.5% of ¼ of the herd that consists of breeding-age females and 52% of ¼ of herd that consistes of breeding-age females). This low herd increase rate is a far cry from the BLM's 1973-74 calculation of a 73% rise in the wild horse population!

The question of mortality rate will be taken up later. Mortality, of course, further limits the potential for annual herd increase.

NAS Committee, in Isolating Age as Factor Affecting Rate of Herd Increase, Demonstrates Folly of BLM Practice of Culling Large Numbers of Young Animals.

Another point of contention between horse enthusiasts and the BLM ---the BLM practice of conducting roundups without proper regard to the age and sex structure of the remaining herd---was provided significant data by the Committee report. Critics of BLM's haphazard management practices have long complained that often BLM roundups so alter the normal age and sex structure of the ungathered animals as to set the stage for increased reproductivity. The removal of a disproportionate percentage of unproductive herd members---immatures and males---leaves a disproportionate percentage of breeding age females on the range to produce a disproportionate percentage of young.

It has even been suggested to the BLM that that agency could make practical use of this aspect of population dynamics to manipulate herd structure to its own advantage. In effect, to slow down herd growth! Birth rate might be brought into balance with death rate simply be removing a relatively few breeding-age females. Unadoptable males and young animals need not be gathered at all. Their presence on the range does not contribute to rate of increase. What few females it would be necessary to remove in order to achieve a natality-mortality balance could be captured gradually at water traps, thus eliminating the necessity of conducting expensive, dangerous, and stressful roundups. Moreover, these females, being proven breeders,would be easy to place. Not only would they be desired as brood stock, they likely would produce a bonus foal for an adopter.

The Committee report presents scientific verification of the oft-stated contention of horse enthusiasts that herd composition determines rate of increase and that the BLM's practice of rounding up stallions and large numbers of underage animals is counterproductive. The report shows mare fertility ~~to be a factor of age~~. Females under age 3 produce no young. Females age 3 to age 8 are moderately productive. Females age 8 to age 11 are at their productive peak. Females over age 11, once again, produce few offspring. In the words of the Committee:

> "Because of these age specific differences in fecundity, the rate one uses to express the performance of a given herd depends on the age classes included. The rate (of reproduction) for the 5 year olds and older animals can be expected to be higher than that for the 4 year olds and older and, in turn, the rate for the 3 year olds and older will be lower than that for the "matures." The rate for a herd will depend on its age composition." page 38.

Incredibly, in those few instances when the BLM has made a deliberate effort to manipulate the age and sex structure of a herd, it has done so in such a way as to increase that herd's potential for productivity. Perhaps this is due to the habit of BLM personnel of looking at animals as producers---a view that likely has been shaped by association with livestock growers. Ranchers necessarily evaluate the herds and flocks they carry in terms of productivity. Males and young animals are regarded as "dead weight" because they do not produce offspring and so are sooner sent to market than are productive females. Game managers, too, try to elevate target populations by prohibiting the taking of females and by eliminating males. Wild horse managers seem to have emulated these practices without regard to the result. Surplus horses are not what is desired. In 1971, for example, the BLM removed 65 male horses from the Pryor Mountain, thus skewing the sex ratio heavily in favor of breeding females. The impact of this error is still being felt in that herd's annual rate of reproduction, which remains high. Being heavily female, it rapidly compensates for every effort by the BLM to hold it to a level the Bureau believes is satisfactory, thus necessitating further roundups.

The fact that few BLM personnel have been schooled in wildlife biology is unfortunate. Most have been selected for their jobs because they have been educated to be range managers. Their perspective, therefore, is that of a livestock grower whose objective naturally must be to maintain range and animals in prime condition in order to guarantee high and continuous reproductivity. As a result, much of the BLM wild horse management has proven counterproductive. The very act of thinning a population so as to guarantee it prime forage is a sure-fire stimulus to increase its reproductivity and should not be undertaken without expectation of that result. Game managers who manipulate target species for a hunting constituency understand this principle well. They do not allow target populations long reprieves from hunting pressure, knowing that herds will become less productive as density increases. and, a certain point, will even come into a natural balance---mortality countering the effects of natality. This self-regulatory phenomenon is called "density-dependency," and it is frequently alluded to, indirectly as well as directly, in the NAS report.

For example, in a discussion on burro reproduction, the NAS report cites the principle to explain the vast difference in the reproductive rates of managed and unmanaged populations.

> "The Bedrock Canyon Herd in Grand Canyon had experienced periodic reduction, and Ruffner and Carothers (1977) found high reproductive rates, a high proportion of young animals..., excellent physical condition, and presumed population increase...But the lower Canyon Herd had not been subject to human interference, had only 49 percent of its individuals in the first 4 age classes, was not in as good physical condition, and was presumed to be roughly stationary or growing only slightly." p 83.

The report elaborated on why an understanding of these effects of density on reproductive rate is is important in making sound management decisions:

> "If the management goal for a given area is to maintain burros at low to moderate numbers, or as in the national parks to eliminate them and prevent their repopulation, it may require diligence and continuous effort. However, burros may also have considerable ability to limit their own density, once their numbers begin to weigh on their own populations and their environments. Conceivably this phenomenon could reduce the need for herd control." p 84.

Additional evidence of the effect of the density factor in slowing down reproductivity was cited in a comparison between two wild horse herds: (1) a managed herd on Chincoteague National Wildlife Refuge, from which foals are removed annually: (2) an unmanaged herd on nearby Assateague Island National Seashore, from which foals are never removed. Foal production in the first herd far exceeds that of the second unmanaged herd. Besides naming density as a prime factor in this differential in annual increase between the two herds, two other possible explanations were offered: (1) The removal of young animals creates an older age population with greater breeding potential. (2) The removal of suckling foals relieves the mares of a physiological drain, thus improving their potential for subsequent pregnancies.

Implicit in this density-dependency principle is the conclusion that wild horse reduction and wild horse reproduction are inextricably connected. The more radical the horse culling, the more frequently such reductions will have to be repeated. The less radical the culling, the less frequently reductions will have to be repeated, given a normally structured herd.

It would, therefore, make sense for the BLM to work with, rather than against, this biological principle. Less is more. Less drastic reductions would prevent the need for so many. Preserving larger herds of animals with lower reproductive rates would be more efficient than repeatedly acting to suppress populations to level which automatically trigger reproductivity. Moreover, by preserving a normal age and sex structure within a wild horse population or, better still, by so adjusting these factors as to slow down reproductivity, the Bureau could save itself the necessity of staging so many and such large scale roundups.

NAS Committee Finds BLM Has Neglected to Compute Mortality Rates in Wild Horse Herds.

To manage any animal population sensibly, it is essential to know the mortality rate of that population. The NAS Committee made every effort to obtain this data (entirely ignored by the BLM). Studies were found which included information on wild horse mortality and from these the Committee was able to determine survival trends in wild horse age classes, suggesting a gradual shrinkage occurs. Only 1 persent of a herd appears to survive beyond age 13 (page 43). Very young animals, too, were found to be vulnerable to death from all causes. Most deaths, in fact, occur to herd members below age 1. Wolf found 20% to 25% of the animals in this age class do not survive. Boyd reported a mortality rate of 18% for foals under one year. Welsh reported a mortality rate of 40% for young horses between birth and age 16 months.

Breeding mares, too, suffer above-average mortality rates. Welsh observed that half of her Sable Island mares that had foaled the previous spring died during the harsh winter of 1971 whereas only 18% of the females that had not foaled succumbed to the weather.

The report made clear the importance of obtaining information on mortality in order to predict annual increase and so determine what culling, if any, is necessary. That the mortality rate of wild horses should not have been dismissed as an unimportant factor is implicit in the following excerpt:

> "At least, one can say unequivocally that some loss has been detected in every herd that has been studied... Values of 3 to 5% known losses over periods of several months to a year recur in several studies and constitute the lowest in a range of available values. Estimates of 11 to 25% annual mortality and higher have been derived from several analyses, but depend on various assumptions of uncertain validity." p 53.

When mortality rates are calculated, even at the most conservative level, it becomes clear just how inflated the BLM projections of wild horse increase have been. The NAS Committee, in fact, concluded that such rates of population growth claimed by the BLM to occur (20% and higher) "were beyond the biological capability of large established herds which have assumed remote **approximations** of geometric age structures." p66.

The NAS Committee cited the work of a number of scientists who, by making use of highly sophisticated methods for calculating population growth (the Lotka and the Leslie Matrix techniques), worked out what survival rate and what fecundity level would be called for if a herd were to reproduce at an annual rate of merely 10% (half the BLM's projection).(*) Only by computing **unrealistic** fecundity and survival rates approaching 100% (no mortality) could annual increase be calculated to stand at even this level.

The NAS Committee tried to reconcile the large discrepancy between what population increases the BLM has claimed occur and those which would be possible. But even when assuming extremely low mortality (5% for older animals and only 15% for foals) and a the highest reproductive rate reasonable, the Committee was still unable to arrive at annual increases that approximated those reported by the BLM. The report states:

> "Even these combinations produced increase rates well below 10% per year and considerably below the rate implied

(*) It is worth mentioning here that the BLM has projected t. rates of increase of 20% and even higher in the face of its own horse removals, which have not been insignificant.

> by the BLM censuses. Rates similar to those indicated by the BLM censuses are produced only in combination of virtually no mortality." p 69.

The report goes on to say:

> "A 20% per year increase rate would require that no mortality occurred and that half of the 3 year olds and 100% of mares 4 years old and older produced young each year. Since even domestic herds sustain mortality and less than 100 % fecundity, it is difficult to reconcile the differences between (table 2.12) results and the BLM census rates." p 69.

NAS Committee Questions BLM Estimate of Horses in Existence in 1971, Often Referred to as Optimum Number.

Another question frequently raised by horse supporters was investigated by the NAS Committee, that is: what was the size of the wild horse population in 1971, the year the animals were granted federal protection?

The importance of this 1971 figure becomes apparent in light of the BLM's stated intention to bring current horse numbers to that year's level. Though the Bureau's own estimates of the 1971 population have not been consistent (sometimes given as 17,000 , at other times, said to have been 9,500), for purposes of analysis, the NAS Committee looked at the higher figure. Then, using the BLM's 1979 census of 58,000 horses, the Committee attempted to discover by means of retrogression, if the BLM figure of 17,00 was a fair estimate of the number of wild horses in existence in 1971.

But only by using an annual rate of population increase as high as 16% was the Committee able to regress the 1978 population of 58,000 to a 1971 level of 17,000. When the Committee used what it regarded to be a realistic rate of increase (7% per year), the 1971 wild horse population worked out to be more than twice the BLM estimate of 17,000. Either the BLM's 1971 estimate is too low or its 1979 census is too high. Whichever is the case, a policy of horse reduction that would bring the population to a number below what existed when Congress saw fit to protect the wild horses would be the ultimate irony.

NAS Committee Seeks Rational Explanation for BLM Population Overestimateions

In seeking an explanation of how BLM census reports could have so exceeded the growth potential biologically possible for equids, the Committee analyzed BLM counting procedures. Several biases and uncontrolled variables were discovered. Using data from 72 BLM districts and national forests over an 11 year period, the following errors were found:

(1) Inconsistent counting seasons.

> "In a seasonally breeding animal population, numbers increase during the breeding season and decline during the remainder of the year due to mortality. Comparisons between years must be made at the same stage of the life cycle in order to avoid bias from this seasonal cycle in numbers. The counting season has not been standardized in much of the agency census work, counts being made early in some years prior to foaling, in other years being made after foaling." p 64.

Chairman Frederic Wagner elaborated on the seriousness of this error:

> "Since wild horse foals are dropped seasonally, counts in March and August of even the same year could vary by 15 or 20%. It is a basic principle in censusing animal populations that inferences about year to year trends and comparisons between areas must be based on censues taken at the same season each year or at the same stage in the annual life cycle." p 200

Another variable discovered, which could help to account for the improbably high rates of increase reported by the BLM, was a switch in the type of aircraft used by the Bureau to conduct counts. During the early 1970s censuses were made from fixed wing planes. Later helicopters were used and tallies showed an abrupt rise, "indicating that this method is considerably more efficient at detecting horses." p 64.

The NAS Committee report also attributes the discrepancies between BLM censuses and what tallies would be biologically credible to improved counting skill of agency personnel.

> "It seems possible that ensuing proficiency increased in the early years when agency personnel were first conducting the counts. Hence the higher apparent increases of the early years could result from increasing censusing efficiency, herd growth, or both." pp 65-66.

Chairman Wager cites a study by Frei which shows that observers who are experienced in horse censusing see a larger fraction of existing animals than do those who are inexperienced.

NAS Committee Questions BLM Assumption that Horses and Burros are Necessarily in Competition with Domestic Livestock and Wildlife

Another point of controversy addressed by the Committee centers on wild horse and burro competition with domestic livestock and wildlife. Looking at existing data which appears to demonstrate some dietary overlap between various species, the Committee advised caution in interpreting this information:

> "Mere dietary overlap does not directly translate into exploitative competition unless the shared resources are in short supply... There was little contemporaneous spatial overlap between horses and cattle, even though fecal analysis showed 67% overlap in their (selection of) summer diet." p 97.

The NAS report did not accept data used by the BLM to suggest the horses are utilizing food necessary to other species.

> "Noticeably absent from most studies on horse diets is any type of quantitative description of food availability. Likewise, few studies have adequately described the spatial relationships of horses and sympatic ungulates. Hence, very little, if anything, can legitimately be said about competition for food between horses and domestic or wild ruminants." p 97.

The NAS report stresses that "two species can use the same resource, but if their joint use does not reduce it (the resource) to the point where each species limits the other's demographic performance, they are not competing." p 106.

Several studies were cited in the report to show that even where horses are present in the same habitat with a presumed competitor, the animals partition the area by means of behavioral interaction and so do not compete for resources.

> "Two species may use more than one common resource, and they may conceivably compete for one without competing for the other(s). It was mentioned earlier that two species may segregate into separate areas of the habitat as the result of behavioral interactions and thus may eliminate competition for food." p 106.

NAS Committee Questions BLM Assesment of Wild Horse Impact on the Public Range Lands.

Finally, the NAS Committee looked at the question of horse impact on the public range and raised a highly relevant question: what provisions have been made for wild horses there? Pointing out that forage allotment has been made for livestock and a percentage has been set aside for wildlife, the committee noted that no provision has been made for the horses. In its words:

> "However, few--if any--forage reservations were ever made for wild horses and burros." p 202.

Small wonder that the wild horses are always the first to be reduced (and often the only species to be culled) when range conditions are thought to be deteriorating.

Moreover, in studying 10 wild horse capture plans with accompanying environmental analysis, the Committee confirmed that scant data has ever been presented by the BLM to prove horses have been responsible for deteriorating range conditions.

if indeed, deteriorating range conditions could even be shown to be a fact.

> "Few of the plans and EAR's provided much information to support the contention that range conditions were unsatisfactory or explained how those conditions were determined. Rarely was any attempt made to show which herbivores (cattle, horses or wildlife) were responsible for the range condition presented in the report." p 203.

NAS Committee Report Recommended Further Research Be Undertaken to Obtain Additional Information

The NAS report on Wild and Free Roaming Horses and Burros: Current Knowledge and Recommended Research. Phase I Final Report is the most complete survey of information on wild equid biology and demography yet assembled and interpreted. It is a document of enormous value to those interested in proper management of wild horses and burros. Yet it represents only the first phase of a two step task the NAS Committee assigned itself. Recognizing that many unanswered questions remain, the Committee outlined specific research questions to be studied. Some of these recommended projects are currently in-progress and will be contained in the NAS Committee Report Phase 2,,scheduled for publication next year.

Meanwhile an unfortuante development has marred one of the ongoing projects and called into question its scientific validity. Midway into a 2.5 million dollar research field study to determine the degree to which wild horses and domestic livestock actually do compete for forage, the BLM, without warning to the project scientists, rounded up a large number of marked study animals and removed them from the range. Upon learning of this BLM action, the chairman of the NAS Committee, Dr Frederic Wagner expressed his outrage:

> "The BLM is the loser because they're paying for the research and have considerable interest in information that would come out of it. The roundup destroyed the known distribution of the horses and completely disturbed their natural movement patterns."
> Casper Starr Tribume Septeber 25, 1981.

This act of mischief is certain to swell the reservoir of cynicism that the BLM has created among wild horse enthusiasts. The question being asked by many is whether or not the BLM *wants* objective information revealed, which could settle the question of wild horse impact on the public range lands and on other species. Some suspect the Bureau of deliberately subverting the Red Desert Wild Horse Study to prevent findings from being brought to light which might halt its plan to remove 24,000 wild horses from the public domain this year.

This radical horse reduction plan will bring the BLM's latest tally of 45,000 horses (*) to fewer than 21,000. That will be a level considerably lower than the number of horses in existence in 1971, according to the NAS Committee's best calculation of what population was then possible. (see page 18)

Incredibly, some members of Congress have indicated a willingness to facilitate this scheme by amending the *Wild and Free-Roaming Horse and Burro Act*. BLM Director

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(*) It is interesting to note that the BLM census of 45,000 horses in 1982 is well below its tally of 70,000 head in 1978. Either the horses have suffered a devastating decline or the BLM has decided to adjust its census downward since the NAS Committee Report was released.

Robert Burford, having foreseen that few of the 24,000 horses that will be removed will find adoptive homes (in the wake of the increased adoption fees he has now set of $200 a head), now wants permission to sell the gathered horses by the pound to come-who-may.

What surprises horse enthusiasts is that Congress, after having authorized the National Academy of Science to look into the relevant facts regarding wild horse biology, population growth, and BLM management policies and procedures, now chooses to ignore the information presented in the Committee's report in favor of what BLM Director Burford tells them is wanted.

It also surprises horse enthusiasts that BLM Director Burford, who surely is capable of reading a scientific paper, appears to have neglected to read the NAS Committee's First Phase Final Report. Otherwise, he could not have assured certain Congressional delegations that its contents confirm the necessity of his carrying out the radical horse reduction he now plans. Let us hope that members of Congress will not be guilty of the same oversight.

Let us also hope that members of Congress will not make the mistake of authorizing the United States Government to go into the business of selling wild horse flesh to meat processors. The American people in 1971 loudly protested the activities of profiteering horse runners. They will do it again.

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THE PAPER COWBOY

The cowboy is one of the few myths of the past to have ridden into the present unscathed. As an institution, he seems the epitome of individualism and freedom. Even if a determined observer succeeds in peeling away the layers of romanticism which have collected over the last 100 years, the cattleman still looks good in comparison to ordinary mortals.

Unfortunately, the benevolent myth of the western rancher cannot be allowed to survive unless it is massively infused with reality. The trappings of the myth now threaten the wests' public lands, your lands, with appropriation by the state governments of Arizona, Nevada, New Mexico, Utah, Washington, and Wyoming. The above states, under a banner called the Sagebrush Rebellion, have already challenged federal ownership of the Bureau of Land Management (BLM) and United States Forest Service (USFS) lands within their borders, with several more western states likely to swell their ranks. Their legislatures, riding the crest of "states rights" emotionalism, have told the federal government to get out. The western rancher has led this movement from the beginning, lending to the effort the gilded myth of cowboys, campfires, and open spaces.

In reality, campfires and cowboys have nothing to do with the rancher-led rebellion against the federal government. The whole issue is money, nothing more. Because of recent legislation, the rancher is being forced to share the public land with all of us, and is being told that he has abused the land through overgrazing, and that the number of livestock on those lands must be reduced to allow recovery. This situation had caused a conservative reaction by the western lending institutions, threatening to severly lower the paper value of the western ranch.

The western rancher, particularly in the arid southwest, rides a range supported by paper values. In New Mexico, for example, the market value of grazing land has increased by 208% from 1965-79, outpacing inflation by 76% over the last 14 years. The appreciation of the land allows the rancher to survive without a large net income from the ranch, by borrowing against the increased value.

From a long-term point of view, the influence of the banker has done much to promote over-use of the public grazing lands. Since one of the chief indices of value is the size of the ranch in Animal Units (number of cows or sheep), the rancher is encouraged to graze the maximum number. Since there is little or no loan value attached to his actual yearly profit margin, the rancher is not encouraged to maximize his efficiency, or to manage for the future. In the credit structure operating over much of the west today, it is the ability of the land to support life that is actually being mortgaged, with inflation keeping a life-style alive.

While private grazing land has always been more valuable than either USFS or BLM grazing land, the disparity between private and "permit" land has greatly increased since 1973. With the winning of the suit filed by the National Resource Defense Council (NRDC) against the BLM, the permit value of BLM land began to fall. Because the loss of the lawsuit forced BLM to write individual Environmental Impact Statements (EIS) on 145 grazing units over 173 million acres, the lending institutions quickly grew more conservative. Consequently, the rancher blames the environmental reforms for the lowered loan value. The truth is that the loan values of the past were inflated as a result of too many cattle on an abused land. Today's grazing values come closer to reflecting reality.

As of 1979, the appraised value of an AUM (forage for one month for 1 cow or five sheep) on BLM land in New Mexico was $857.00 if the ranch was nearly all federal land. If the ranch was ½ BLM and ½ private land, the value was $1,691 per AUM. On the rare ranch that is all private, the AUM value was $2,828, a price that recognizes the rancher's freedom to maximize his grazing without any federal pressure for multiple use management.

It is the above impact on the market value of the ranch that is behind the efforts of the western ranchers to transfer all BLM land into state control. As the present management of state land throughout the west clearly shows, state ownership is de-facto rancher ownership. As long as the rancher pays his 10 cents per acre per year (Arizona), or 22 cents per acre per year (New Mexico), the state leaves him alone. On most western state lands, there is no multiple use concept. Unless you're a rancher, hunter, or a miner, you are trespassing. Hikers, walkers, birdwatchers, picnickers, and all other non-consumptive use is illegal. In other words, only those who take something from the land are allowed access.

History tells us what happened from 1870 until 1934, when the cattleman was left alone to practice his "stewardship" of the land. By 1932, the western lands were producing only half the forage they had originally grown. The Taylor Grazing Act of 1934 was an outgrowth of the consequences of rugged individualism, its passage an admission by the livestock industry that it could not survive without re-[illegible]on, and the subsidies that came with the federal presence.

If the rancher is, as he constantly repeats, "the best environmentalist of all," the privately owned grazing land should be in far better condition than the public land, However, according to the 1980 Draft publication entitled "Desertification in the U.S.", 68% of the non-federal rangeland in the 10 western states is in fair to poor condition. Soil losses resulting from erosion average 5¼ tons per acre per year on federal land, and 4½ tons per acre on non-federal land. Since private land is land chosen during the development of the West, it is naturally land of higher quality than that left unchosen. Thus the degraded condition of the private land today is much more significant, since it began. from a much higher productive level.

If the so-called sagebrush rebellion succeeds, and the federal lands pass into state ownership, it is certain that the states could not afford to manage the land at the level maintained by the USFS and BLM. According to a publication entitled Grazing Fees and Fair Market Value (July, 1980), the grazing programs of BLM and USFS cost nearly $28 million more than the grazing fees returned. This tax-supported subsidy includes only the yearly on-going costs, and does not include the money already spent on improvements that.directly benefit the rancher.

In addition to the above yearly costs, a rancher on the public lands may also receive the following amenities at taxpayer expense:

1) fences and cattleguards
2) wells, pump motors, windmills, storage tanks, reservoirs, watering troughs, and spring developments
3) vegetation control, such as chaining, spraying, plowing, seeding, or burning
4) predator and rodent control
5) low interest loans as a result of drought, flood or fire
6) services and advice from land grant colleges and numerous federal research organizations

7) State-supported County Agents, State Departments of Agriculture, etc. take care of disease control, brand registration and inspection services.

8) The Soil Conservation Service (SCS) assists ranchers by doing soil surveys, planning grazing management systems, range improvements, etc.

9) Agricultural Stabilization and Conservation Service (ASCS) provides cost-sharing funds for certain projects on state and private land

10) Animal and Plant Health Inspection Service (APHIS) provides funds for the control of insects, as well as diseases in livestock

11) State Wildlife agencies provide ranchers with protective panels to keep deer and elk away from the ranchers' haystacks, and also contribute funds for predator control.

12) Many states offer special tax considerations to ranchers, such as no sales taxes on the sale of cattle. Many cities exempt the rancher from all sales taxes on farm vehicles and other ranch-related items.

13) The grazing lease itself contains a generous cost of production subsidy, recognizing the fact that the rancher is sharing his leased land with the public and with wildlife.

Subsidy is a hated work in the West, but without it few cattle could be grown there. Even with the $28 million subsidy mentioned earlier. BLM and USFS lands in the 8 mountain states combined produced only 3,390,013 cattle, or about 2.9% of the 116,300,000 cattle produced by the U.S. Assuming a per capita beef consumption of 126 lbs (1977), the total federal grazing acreage of BLM and the USFS (238,165,810 acres) produced only 3.65 lbs per person, or about 14 hamburgers.

BLM grazing receipts (1977) for the 8 mountain states of Montana, Idaho, Wyoming, Utah, Nevada, Colorado, New Mexico, and Arizona were $9,877,122, or about $920.00 each for the 10,729 cattle ranchers. The grazing fee paid averaged 12 cents per acre per year, but the same acre earned for the rancher an average of $3.42 when the cattle were sold.

The real consumer impact of such subsidies lies in the fact that they tend to cause less production elsewhere in the U.S. Because the lands not subsidized are far more productive (Iowa, Nebraska, Missouri, etc), their underutilization due to market advantages enjoyed by a tiny minority of western ranchers is devasting for

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3. Grazing Fees and Fair Market Value, Cascade Holistic
   Economic Consultants, Eugene, Oregon July, 1980

4. Market Values of Federal Grazing Permits in New Mexico
   N.M.S.U. Coop Ext Service, Range Imp. Task Force, Report #2

5. Fradkin, Philip, The Eating of the West, Auduton,
   January, 1979

SOURCE Grazing on BLM and USFS lands - Facts

1 Mtn. states - Montana, Idaho, Wyoming, Utah, Nevada, Colorado, New Mexico, Arizona produced in 1978 the following totals of cattle

BLM - 1,848,013
USFS - 1,542,000
3,390,013

1 Total number of cattle in US as of 1978 was 116,300,000.
BLM produced (for the 8 Mtn. states) only 1.58% of U.S. total
USFS produced (for the 8 Mtn. states) only 1.32% of U.S. total
2.90%

1 Total value of livestock and livestock products in the Mtn. states (1978) was $4,314,758,000, spread over a total acreage of 167,411,000 (federal) and 197,224,000 (non-federal). The average amount each acre produced was $11.83 per acre (all land).

1 Assuming an average value of $310.00 per cow, BLM lands produced a value of $572,884,030 in the 8 Mtn. states, or about $3.42 per acre. (BLM only)

2 BLM grazing receipts (1977) for the 8 Mtn states for cattle only was $9,877,122, or approximately $920.00 each for the 10,729 cattle operators. Dividing the 1,848,013 cattle by 10,729 cattle ranchers results in an average ranch of 172 cattle. Dividing the 172 cattle into $920.00 yields an average of $5.34 per cow per year, or about 12 cents per acre per year. (compare to production value)

3 BLM costs for managing federal rangelands in 1979 were $11,941,000 over the amount received in grazing fees. This subsidy for the 8 Mtn. states alone was $9,629,000, or about $5.21 per cow. Adding the above average grazing fee per cow ($5.34) to the subsidy (5.21) equals a cost of $10.55 per cow per year. (compare this subsidy to the $310.00 value of each cow) The cost to the public for rancher use of the BLM land is $23.6 cents per acre, only 12 cents of which is paid by the rancher.

4 In New Mexico, a 172 Animal Unit (cow) ranch is valued at $147,404, or $857 per Animal Unit. This is a recognized value against which the rancher may borrow 40%, or $58,961.60, for operating expenses.

2 Assuming average New Mexico ranch at 192 cows (279,194 ÷ 1,452 cattle operators), and an average value of $310, the herd value will be $59,520. The above financial structure encourages short-term overgrazing, since the higher the A.U.s, the higher the loan value.

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SOURCE

5 In 1977, per capita beef consumption in the U.S. was at 126 lbs. BLM, at 1.58% of the U.S. total production, produced 1.99 lbs. of the total consumed.

3 In 1978, BLM's grazing program lost $11,306,000 in order to produce less than 2 lbs of beef per person, or about 3 "quarter-pounders". The real cost to the consumer lies in the fact that subsidies paid to western producers tend to cause less production elsewhere in the U.S. Because the lands *not* subsidized are far more productive, the consummer is badly hurt when such lands are underutilized due to market advantages enjoyed by a tiny minority of western ranchers.

3 When the USFS grazing lands are added to BLM's nearly 1/5 of the land of the 48 states is grazed, yet both-agencies together produce less than 3% of the nation's beef. The public subsidy for this small amount of beef totaled over $27 million in 1978.

1 Ecological costs, such as the extent of erosion, riparian losses, ground cover, etc. are subject to endless study and debate, and are causing delays in implementation of grazing practices designed to correct abuses. According to (1) 40.3% of BLM lands are in moderate to critical condition with respect to erosion.

1 If ranchers really are "the best environmentalists", the private and state grazing lands should be in far better condition. According to (1), 38.3% of such lands are in moderate to critical condition. This is really significant when one realizes that private land was *chosen*, and thus was far better land. Even so, the condition of such lands is about the same as BLM land, which means the decline has been much steeper (given the original condition of the land). Since non-federal grazing lands are over twice the acreage of federal lands, the consequences for the country's food producing ability are obvious.

1 67.9% of non-federal rangeland in the 10 western states is in fair to poor condition overall, compared to 82.3% of federal rangelands. *91% of the above states are grazed.*

1 Range condition problems on *non-federal* land are classified as *Major* in the states of Oregon, Idaho, Utah, and Arizona, and *Severe* in California and Nevada.

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